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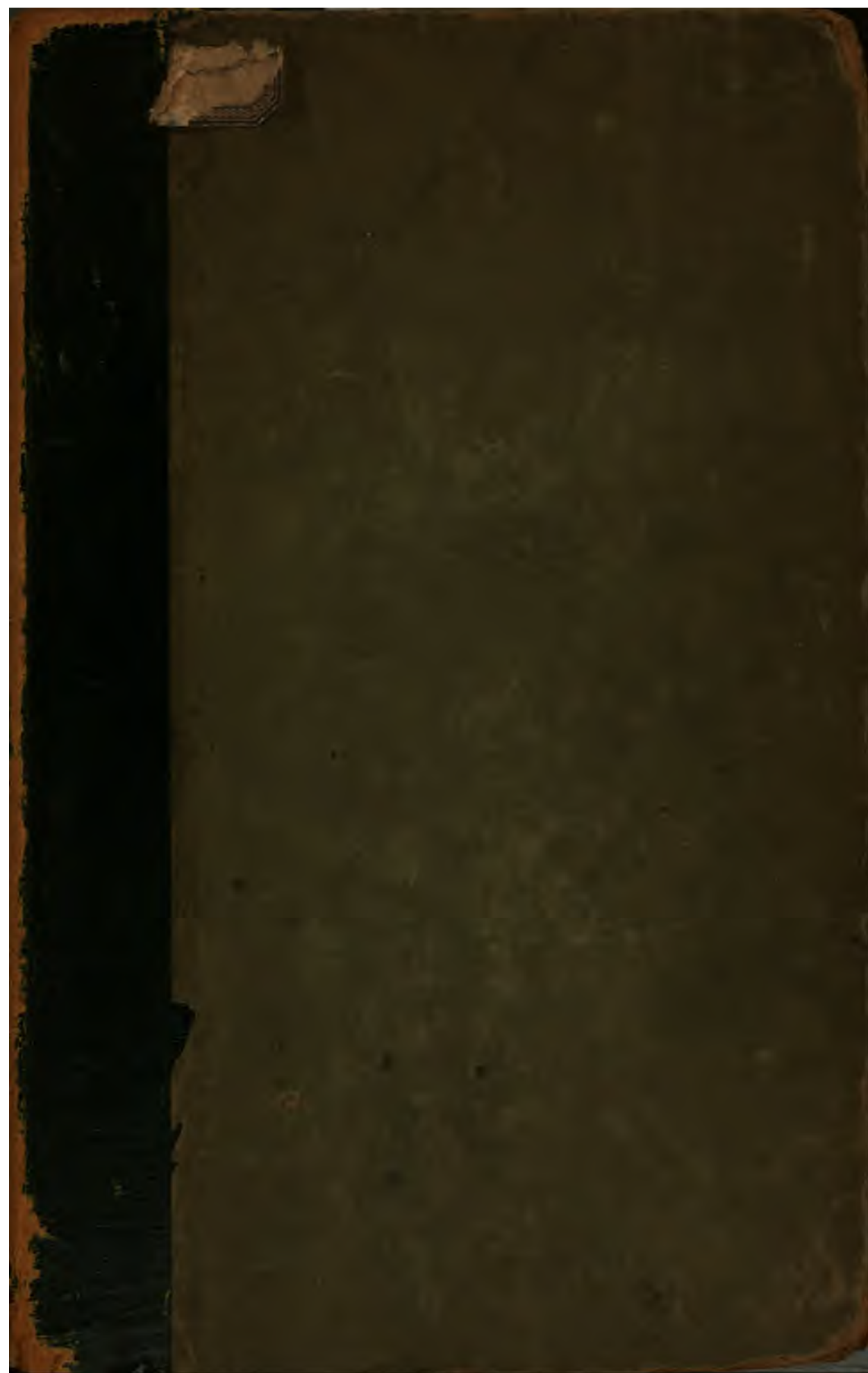
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Received 9 Jan., 1900.

THE PUBLIC RECORDS OF IRELAND.

**"TRUTH IS TO BE SOUGHT ONLY BY SLOW AND PAINFUL
PROGRESS: ERROR IS IN ITS NATURE FLIPPANT AND COMPEN-
DIOUS; IT HOPS, WITH AIRY AND FASTIDIOUS LEVITY, OVER
PROOFS AND ARGUMENTS, AND PERCHES UPON ASSERTION,
WHICH IT CALLS CONCLUSION."**

JOHN PHILPOT CURRAN,
Master of the Rolls of Ireland.

ON
THE
HISTORY, POSITION,
AND
TREATMENT
OF
THE PUBLIC RECORDS
OF
IRELAND.

BY
AN IRISH ARCHIVIST.

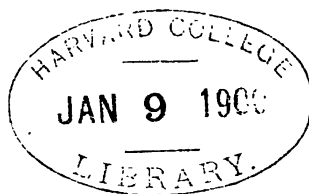
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INTRODUCTORY REMARKS.

The substance of the first part of this treatise, originally published in number CIV. of the "Dublin Review," having attracted much attention, was reprinted under the title of "Record Revelations: A Letter to the Lords' Commissioners of Her Majesty's Treasury on the Public Records of Ireland and on the Calendars of the Patent and Close Rolls of Chancery in Ireland, recently published by their Lordships' authority, under the direction of the Master of the Rolls of Ireland."

The second portion of the volume consists in part of a reprint of the pamphlet styled: "Record Revelations Resumed: A Letter to the Right Honourable William Monsell, M.P., Colonel F. P. Dunne, M.P., and Colonel Fitz-Stephen French, M.P., on statements recently made in Parliament on the Public Records of Ireland, and on the Calendars of Patent and Close Rolls of Chancery in Ireland, lately published by authority of the Treasury, under the direction of the Master of the Rolls of Ireland."

The interest with which these treatises were received, the exhaustion of the first edition, and the appearance of a third defective Calendar, at the public expense, from the source whence emanated the two volumes here analyzed, have led to the present republication, with a view of placing permanently before the world an exposition of the Record

system sought to be imposed on Ireland, in opposition to the protest and disapprobation of every Irish Archivist.

As any one of the grave errors and defects indicated in the following pages would destroy public confidence in works of a class pre-eminently requiring minute accuracy, it has been deemed superfluous to enter here upon a detailed examination of the third so-called "Calendar," which purports to comprise the Patent and Close Rolls of Chancery in Ireland of the first eight years of Charles I.

This "Calendar," like its predecessors, fails to comply even with some of the simplest of the rules laid down by the Master of the Rolls in England for such works, since it contains neither an account of the documents from which it may have been compiled, a statement of the language in which they were written, nor the other elucidations absolutely necessary to make such a work useful to the public.

The grants of lands, with their denominations, rents, tenures, and services are given in this Calendar in forms not less defective and misleading than those in the previous volumes, as may be seen, to some extent, from the specimens adduced in the Appendix, No. IX.

Of the equally unsatisfactory mode in which the patents of offices and titles are set down, an instance may be cited from page 36 of this Calendar, where but two lines, as follow, are devoted to the memorable grant to George Calvert of the title from which the capital of Maryland received its name :

"Letters patent conferring on Sir George Calvert the title of Baron of Baltimore, Feb. 16, 22^d, James I."

It may be added, that many highly important Patents, passed under the great seal, during the first eight years of Charles I., are not noticed in this so-called "Calendar," several pages of which however are filled with matters as valueless and unintelligible to the public as the following, extracted from what purports to be a transcript of the schedule of the fees, which the holder of the offices of Clerk of the Markets, Packer and Gauger was authorized by Patent of Charles I., to charge in Ireland:

"Beere, Eger, per tonn,	...	viii. ^d
Cruell lace, per docen,	...	i. "
Eirons, per cent,	..	iii. "
Frices, per peece,	...	iii. "
Frizeadoes, a peece,	...	iiii. "
Murkines, tanned or raw, per cent,		iiii. "
Moccadoes, per peece, double,	...	ii. "
Nabury legges, per cent,	...	iiii. "
Pemscones, per peece,	...	iiii. "
Poropus, per peece,	...	iii. "
Remney legges, per cent,	...	iiii. "
Welch, plaines, per cent. goads,		vi. " "

The preceding are given in the "Calendar," page 204-6, exactly as above printed, without any comment or explanation, and the reader is left to form his own conclusions as to the language and signification of these and similar entries!

The Reports of the late Irish Record Commissioners show, that Calendars were prepared under their care at

the public expense, not only of the Rolls of which the publications of 1861-2 purport to be Calendars, but also of those embraced in the recently issued volume. These Calendars, left by the Irish Record Commission, in manuscript, extending to many thousand pages, were placed in the charge of responsible Government Officers, and it appears strange that compilations, which cost the Public so large a sum, should have not only disappeared, but that the country should be taxed for the production of works purporting to be new Calendars of the same Rolls. *

The details in the ensuing pages connected with the Irish Archives may be serviceable in guiding the Public respecting the steps proper to be taken with reference to the promised Governmental Concentration of the Records in a general Repository at Dublin, in the construction and arrangement of which an attempt appears to have been projected, as subsequently noticed, to maintain the discreditable system developed in the so-called "Calendars of Patent and Close Rolls of Chancery in Ireland."

[On the proper organization and competent management of this general Record Repository must mainly depend the future usefulness of the Public Muniments of this part of the Empire ; and until this concentration has

* The "Detailed Report," signed by the Secretary of the Commission, dated 24th December, 1829, specifically states, at page 1, under the head of "works now in progress of printing," that the Calendar to the Patent Rolls extends from the reign of Edward I. to the period of the Revolution of 1688.

been effected in the most complete and scientific manner, under skilful Archivists, all attempts at the production of Calendars must be imperfect and mis-leading. Such was the case of Calendars of Rolls published in England early in the present century, which, since the completion of proper Record arrangements, have been superseded by works superior in completeness and accuracy.

The interests involved in this matter are not solely historical or antiquarian. They concern a vast number of individuals connected with Great Britain as well as Ireland by birth or property. Five-sixths of the surface of Ireland having, at various periods, passed from the Crown to the subject, it is to the records of such grants and the collateral evidence, extant among our ancient muniments, that inquirers must direct their researches in cases of property and title.

Regarding the question from a literary point of view, it becomes apparent that, until the Irish Records have been made available, we shall have in vain to expect an accurate or reliable history of Great Britain and Ireland. On this point Mr. H. C. Hamilton in his preface to a Calendar, published in 1860, by the authority of the Treasury, under the direction of the Master of the Rolls in England correctly observes:—

“The history of the inhabitants of the whole of the United Kingdom of Great Britain and Ireland is, and always has been, from the earliest times, so intimately connected, that it is impossible to study the progress of any one portion without that of the rest ; but still the details of the great events and leading historical catastrophes

of several of the grander sections of the Empire are so diffuse and extensive, that they are well classed and studied in separate divisions of the same whole."

During the last twenty years, many scholars, who, by special studies, had qualified themselves to edit the Anglo-Irish Records, were allowed to pass away unappreciated by Government, and it required strong devotion to maintain a worthy succession in a field so unproductive of substantial recognition. That the true spirit of learning has survived even such discouragements in Ireland, is evinced by the fact that the exertions of a few individuals have enabled the Irish Archæological Society to continue its labours to the present day. Of all the publishing bodies of these kingdoms, says a late writer in *Blackwood's Edinburgh Magazine*, the Irish Archæological Society is "the most learned." The labour and the merit of producing such "wonderfully learned editions" as those printed by this Irish Society, are, adds the same author, "almost beyond practical appreciation."*

On the Continent, such works have long been executed at Government expense, as they are of a class unremunerative to private publishers. The Continental example has been followed tardily in England, by the annual grants made during the last five years for the works entitled "*Chronicles and Memorials of Great Britain and Ireland*," and "*Calendars of State Papers*," published by the

* *Blackwood*, vol. xc., page 458; xci, pages 319-325.

authority of the Lords Commissioners of Her Majesty's Treasury, under the direction of the Master of the Rolls of England. Under this grant up to the first of January, 1864, 71 volumes have been published, at a cost of £35,500, as per table VII. in Appendix. It might be supposed that a considerable portion of this expenditure should have been devoted to the publication of the ancient Gaelic and Anglo-Irish writings extant in Ireland. So far however from this having been the case, not *one* of these seventy-one volumes was committed to the editorial care of any scholar in Ireland; and the only *one* of these productions bearing upon Ireland, is a Calendar of Irish State Papers, in London. The little change contemplated in this system appears from the last official list of the numerous books in progress, under the same arrangement, which includes only *two* volumes entrusted to editors in Ireland; but at the same time measures have been taken, necessarily at heavy cost, under this grant, to despatch scholars to decipher, translate, and prepare for publication, documents connected with English history, in Paris, Lille, Vienna, Barcelona, Simancas, as well as in other parts of Europe.

As we can scarcely suppose the existence of a determination to exclude Ireland from her due share of an allocation expressly made for Great Britain *and Ireland*, we may conclude that the administrators of this grant in England, have found a difficulty in dealing with Irish

Archæological subjects, which differ essentially from those with which English Archivists are conversant.

The object of the grant might therefore be promoted, by placing the portions of it intended for Ireland, annually under the control of the Committee of Antiquities of the Royal Irish Academy, in conjunction with the Council of the Irish Archæological and Celtic Society, and the Archivists, who may be entrusted with the management of the Record Repository at Dublin. Thus all desirable work in this direction could be executed in a few years in a style creditable to the Empire and beneficial to the public.

The treatment of the Irish Public Records brought under notice in the following pages, is, however, but a section of the system Governmentally pursued of late years towards Ireland, with regard to grants for various branches of science.

The period when the interest of the scholars of the world centred in the surviving ancient Gaelic monuments of Ireland was that chosen by Government for the abolition of the Professorships of the Celtic languages in the Irish Queen's Colleges; and, while for some time past, the Parliamentary grants to the British Museum have averaged annually nearly £100,000,* those to the Royal Irish Academy, incorporated under Royal Charter,

* These grants appear as follows in the "Appropriation Acts:"
1858-59, £106,162; 1860-61, £100,850; 1861-62, £100,414;
1862-63, £99,002; 1863-64, £90,541. Total for five years...
£496,979.

for promoting the cultivation of the higher departments of science, literature and archæology, have been but £500 per annum: or £166. 13s. 4d. respectively for the advancement of each of these three branches of knowledge throughout Ireland, which is in extent about one-fourth of the United Kingdom, contributing to the Imperial Exchequer a direct annual revenue of above seven millions sterling!

The present treatise, while directing attention to subjects hitherto comparatively obscure, may, perhaps, be deemed to possess some general interest, as an exposition of transactions in connection with the law of mental property, and the treatment of records, unparalleled in the literary or archivistic annals of these Kingdoms.

Dublin, March, 1864.

Chancery Offices, Ireland, Commission. Report of the Commissioners appointed to inquire into the duties of the Officers and Clerks of the Court of Chancery in Ireland, with Minutes of Evidence, &c. Presented to both Houses of Parliament, by command of Her Majesty. Dublin: Thom, 1859, folio, pp. 191.

Calendar of the Patent and Close Rolls of Chancery in Ireland, of the reigns of Henry VIII., Edward VI., Mary, and Elizabeth. Vol. I. Edited by James Morrin, Clerk of Enrolments in Chancery. By authority of the Lords Commissioners of Her Majesty's Treasury, under the direction of the Master of the Rolls of Ireland, Dublin: For Her Majesty's Stationery Office, 8vo., 1861, pp. 660.

Calendar of the Patent and Close Rolls of Chancery in Ireland, from the 18th to the 45th of Queen Elizabeth. Vol. II. By James Morrin, Clerk of Enrolments in Chancery. By authority of the Lords Commissioners of Her Majesty's Treasury, under the direction of the Master of the Rolls of Ireland. Dublin: Printed for Her Majesty's Stationery Office; London: Longman, Green, Longman and Roberts, 1862, 8vo., pp. 767.

Selection from Letters received in reference to the Calendar of Patent Rolls. Dublin: Printed for Her Majesty's Stationery Office, 1862.

Calendar of the Patent and Close Rolls of Chancery in Ireland of the Reign of Charles the First. First to Eighth year, inclusive. By James Morrin, Clerk of Enrolments in Chancery. By Authority of the Lords Commissioners of Her Majesty's Treasury, under the direction of the Master of the Rolls of Ireland. Dublin: Printed for Her Majesty's Stationery Office: Published by Alexander Thom, 87 and 88 Abbey Street. London: Longman, Green, Longman, and Roberts, 1863, 8vo, pp. 700. [Published in January, 1864.]

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THE
PUBLIC RECORDS
OF
IRELAND.

The Anglo-Normans, from their settlement in Ireland, towards the close of the twelfth century, steadily pursued the system of imposing the legal, juridical, and fiscal institutions of their nation upon every portion of the island, which came directly under the dominion of the English crown.

The receipts and disbursements of the King's Irish Government, its legislative enactments, appointments of state officers, grants of titles, lands, charters, and the multitudinous affairs coming within the cognizance of the law courts and offices, found their places of record on special rolls and parchments, which thus became vouched and unimpeachable public documents, as well as official registries, of the property of the Crown of England, and its subjects in Ireland.

In addition to the Patent and Close Rolls and Fiant, subsequently described, these muniments included Rolls of Statutes; Rolls of the Pipe, recording the government receipts and expenditure; Memoranda Rolls, containing transcripts of pleadings and decisions in the Court of Exchequer; Plea Rolls, Recognizance and Communia Rolls.

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Among the important miscellaneous records are the Inquisitions and the returns of Commissions of Survey. The "Inquisitions" contained the inventories and reports of juries, specially empanelled by Government, to survey and value the properties of persons attainted or recently deceased, the tenures, rents and services of whose lands, as well as the descents and relationships of the next heirs of the late proprietors, were fully set forth in these instruments.

The Survey returns embodied details of the estates and revenues of the Crown, as well as of those lands and properties, which it acquired, from time to time, by forfeiture or other circumstances. In addition to the foregoing, there also exists a large mass of miscellaneous Anglo-Irish documents of various classes, and of considerable public importance.

In the early part of the fourteenth century, many Rolls and Records were accidentally burned at Dublin; but, in succeeding years, carelessness proved to the Anglo-Irish muniments little less destructive than fire.

Sir Henry Sydney, Lord Deputy of Ireland, in the reign of Elizabeth, found the Public Records of that kingdom in an open place, exposed to wind and rain, and used commonly, by those in charge of them, for any purposes to which old parchments could be applied. This disgraceful state of the Records of the English Government in Ireland was, to some extent, improved by Sydney; and Sir John Davies, Attorney General, in the succeeding reign, tells us, that, although several of these muniments had either been lost by embezzlement or carelessness, yet many were then remaining, as fair and authentic as any extant at that time in England. In the seventeenth and eighteenth centuries various persons of rank and learning endeavoured to ameliorate the condition of the Irish Archives, and to provide public repositories for their secure

preservation. Notwithstanding such laudable individual exertions, the Rolls, Records and chief public muniments of Ireland were allowed to remain in the irresponsible custody of ignorant and unprincipled clerks of the law courts, by whom numbers of them were purloined; while others were cast into filthy receptacles; where vermin and damp destroyed parchments of priceless value, which might have elucidated obscure points in British history, or established claims, the assertion of which, in the absence of such evidences, has involved the nugatory expenditure of thousands and the ruin of many.

At length, in compliance with an address of the House of Commons in 1810, George III. issued a Commission, directing steps to be taken for the preservation, arrangement and more convenient use of the Public Records of Ireland, great numbers of which at that time were admitted to be unarranged and undescribed, some exposed to erasure, alteration and embezzlement, others suffering from damp or incurring continual risk of destruction by fire. On the Continent, such a task would have been confided to competent archivists and archæologists, presided over by a Minister of State; but, according to the then usual governmental system for Ireland, this commission was entrusted to judges and officials, engrossed with other public business, and unacquainted with ancient Records or historical documents. Fortunately for the Public, these Commissioners obtained the assistance of James Hardiman, and other good Irish archivists, who efficiently collected scattered documents, made various excellent arrangements, prepared transcripts and calendars, some of which were printed and others passing through the press when these labours were abruptly terminated by the unexpected revocation of the commission in 1830. Since that period the subject was repeatedly brought under the notice of Gov-

ernment, and in 1847 Commissioners were appointed to investigate the state of the Irish Public Records, in consequence of whose report a bill to provide for the safe custody of these documents, was prepared and taken into consideration by the Treasury, but subsequently forgotten.

The position of these Records was brought before the public prominently in 1854 by Mr. Gilbert, Secretary of the Irish Archæological Society, who in the preface to the first volume of his "*History of the City of Dublin*," published in that year, after commenting upon the difficulties and obstacles which he, as a critically accurate historic investigator, was obliged to encounter in researches among unpublished original documents in Ireland, added the following observations :

"It is however, to be hoped that Government will ere long, adopt measures for the publication of the ancient unpublished Anglo-Irish Public Records, numbers of which, containing important historic materials, are now mouldering to decay ; while the unindexed and unclassified condition of those in better preservation renders their contents almost unavailable to literary investigators. These observations apply more especially to the statutes and enactments of the early Anglo-Irish Parliaments, upwards of twelve hundred of which still remain unpublished, although the ancient legal institutes of England, Scotland, and Wales have been long since printed at the public expense. The most valuable illustrations of the history of the English government in Ireland are derivable from these Anglo-Irish Statutes."—*History of Dublin*, Vol. I. p. 14.

Although these statements attracted some attention in England and abroad, a great portion of the public muniments of Ireland still remain under the control of clerks of the Dublin Four Courts, where, practically inaccessible, they lie covered with filth, becoming obliterated from damp, and so little known even to their paid keepers that at a recent inquiry into the Irish Court of Chancery, conclusive evidence was given that the Editor of the Cal-

endars hereafter noticed was the only individual connected with these offices who even *professed* to be capable of deciphering any writing anterior to the reign of Queen Anne.

The Archivists of Ireland should, under these circumstances, have long since published a special Memoir on the state of the Anglo-Irish Legal Records, by circulating which among the learned of the world, they might have exculpated themselves from apparent supineness, and have brought public opinion at home to demand the removal of such a blot on the civilization of the Empire.

In 1858 the condition of the records in the Rolls' Office, Dublin, came under the notice of the Commissioners appointed in that year to inquire into the "Chancery Offices" of Ireland, and in their Report to Parliament the documents still under the control of the Master of the Rolls in Ireland are noticed as follows :

"The Public Records deposited in the Rolls office [Dublin] are of great antiquity and are extremely valuable ; they contain the root of the title of a great portion of the property of the country, and to the antiquarian they are most interesting as developing much of its earlier history. They are so numerous that it would be impossible to enumerate them [*sic*] here. The earliest records commence with the reign of King John, and, with some interruptions, are brought down to the present time ; suffice it to say, that they contain, amongst many other valuable records, the public and private statutes passed in the Irish Parliament, commencing in the reign of Henry VI, as also the grants of lands under the Acts of Settlement and Explanation, and under the Commission of Grace, in the reigns of Charles II. and James II ; and the grants from the Commissioners of Forfeited Estates, in the reigns of William III. and Queen Anne. The earlier records, viz., those from the reign of King John (1199) to the reign of Queen Anne, (1702) are written, some in Latin and some in Norman-French ; the *Statutes of the Irish Parliament, up to the reign of Queen Anne are written exclusively in Norman French* ; * from that period the Records are written in the English language. Those written in Latin

* See page 7 for observations on the italicised passages.

and Norman French are written with abbreviations, *single letters constantly representing words of two or three syllables*, so that reading and translating them requires knowledge of a peculiar character, which is only to be acquired by a study of the Records themselves; and although a knowledge of the Latin and French languages is necessary as a groundwork for this study, yet a scholar of the present day cannot read or translate them.”—“*There is not any officer connected with the Enrolment Department who has acquired this knowledge; so far as they are concerned the ancient Records are sealed books.*”—Report, p. 15.

The same Report (p. 16) states that “a large number of extremely valuable Records, formerly deposited in the Chief Remembrancer’s Office of the Court of Exchequer were, on the abolition of that office, transferred to a temporary building, and *that no sufficient provision has been made for their safe keeping.*” With reference to these invaluable Exchequer Records, the Report, p. 138, avers that the officers of that court “could not read the Rolls in their charge,” and at p. 139 the “Chief Clerk of the Court of Chancery” deposed that :

“The business connected with ancient records is comparatively neglected in this country [Ireland]. *Parties come to the [Rolls] Office [Dublin] frequently in relation to historical inquiries, but we have not time to attend to them.*”

Such, according to an authenticated official statement, is the condition of a large portion of the Public Records of Ireland, upon which constantly turn questions of high importance as to peerages, advowsons, royalties, admiralty rights, fisheries, lands, and many other hereditaments. The historic value of documents of this class was indicated as follows by a learned English archivist, the late Joseph Hunter :

“I regard the early Records as so many historical writings. Many of them are actually of the nature of annals and some of them may aspire to the character of historical treatises. The question, therefore, of the

printing of them, is but the question whether certain ancient historical writings now existing in but a single copy, shall be given to the world. Call them chronicles, and I imagine few persons would be found to think that a nation's treasure was not well expended in diffusing and perpetuating the information they contained ; and yet, how much superior in the points of information and authenticity are the Close and Patent Rolls to many of the chronicles ! How necessary is the information which they contain, to support or to correct the information given in the chronicles !”

The adoption in England of the plan for consolidating and printing, at the cost of the United Kingdom, documents entirely historical and literary, furnished Ireland with an unanswerable claim for the aggregation, arrangement and calendaring of her Public Muniments, which, as already observed, in addition to their historic value, are of high importance in legal questions of certain classes.

The lawyers to whom the Chancery inquiry in Ireland was entrusted appear, from their published “Report,” to have derived all their information upon the Rolls and Records from clerks in the Dublin law courts, and this accounts for their having presented to Parliament, under their hands, a series of disgraceful blunders, from which they might have been saved had competent Irish scholars been consulted. Of their errors it may suffice here to notice the two which are italicised in the quotation at p. 5, namely, that all the Statutes in Ireland were written in Norman French to the reign of Queen Anne ;* and the more astounding assertion

* The “Commissioners” are here in error by more than two centuries ! The practice of enrolling Statutes in French was disused in Ireland from A.D. 1495, as may be seen by Sir James Ware's *Annals of Ireland*, 10, Henry VII. The entire absurdity of the above statement of the “Commissioners” can only be appreciated by those who have consulted the elaborate Irish Statutes, including the Acts of Settlement and Explanation, passed long previous to the reign of Anne,—the mere idea that such were written in any

that in old legal Records *one letter* constantly represents a word of *three syllables*,—a fact novel to students of mediæval brachygraphy, and which, if developed, would soon raise a plentiful crop of mushroom claimants to lands and titles.

On all questions connected with the ancient Public Records of Ireland, there are two bodies pre-eminently qualified to pronounce authoritatively—the Royal Irish Academy and the Irish Archæological Society. The

language but English is ludicrous in the extreme. Of the second statement so authoritatively put forward by the "Commissioners" above quoted, it may be observed, that a single letter was not used to represent an uncommon word of even one syllable, without an indicative mark of the contraction. On this point an eminent English palæographer, T. D. Hardy, accurately says: "The most usual mode of abbreviating words is to retain some of the letters of which such words consist, and to substitute certain marks or symbols in place of those left out....Several symbols have positive and fixed significations." The profoundly learned Benedictines also wrote that "*dans les manuscrits la plupart des abbreviations anciennes sont marquées d'une ligne horizontale ou un peu courbé sur le mot abrégé; celles des diplomes sont indiquées par d'autres figures.*" The modes of abbreviating used by the scribes from the eleventh to the fifteenth century have been systematized and classed as follow, with great care and labour, by the "Archivistes Paléographes" of France: *par sigles; par contraction; par suspension; par signes abréviatifs; par petites lettres supérieures; et par lettres abréviatives.*

Instead of presuming to enlighten the public on ancient documents of which they were totally ignorant, the "Chancery Commissioners" might, with advantage to their own reputation on the subject of records, have followed the advice given by an Irish Master of the Rolls to the foreman of a not very intelligent jury, who inquired how a bill was to be ignored: "If you wish to find a *true bill*," said Curran, "you will just write on the back of it—"*Ignoramus for self and fellows!*" Such a bill will certainly be found against these "Commissioners," in the many parts, both of the Old and New World, where, thanks to the press, these lines shall meet the eyes of readers interested in new "Curiosities of Literature."

former the recognized and chartered Governmental guardian of Irish history and antiquities;—the latter comprising in its governing body Irish Peers of the highest rank and known erudition, together with those eminent scholars whose profound and disinterested labours, during the past twenty years, have gained for the historic literature of Ireland a high position in the world of learning.

It was presumed that before commencing to print calendars of the Public Records of Ireland precautions would have been taken to ensure the creditable execution of so important a work; and we may here glance at the courses adopted under like circumstances in other countries. When William, King of the Netherlands, decided on the publication of the national muniments of the "*Pays Bas*," he issued a special ordinance inviting all the learned men conversant with the subject to repair to his Court, to consult there upon the plans most desirable to be adopted for effectively carrying out the project. This ordinance, dated Brussels, 23rd December, 1826, gave the following gratifying and substantial assurance to "*tous les Savans nationaux des Pays Bas*:"

"*Ils seront non seulement indemnisés de leurs travaux, mais ils recevront encore de Nous [Le Roy] des distinctions honorifiques ou toute autre récompense. Celui dont les vues après avoir été soumises à un examen spécial seront reconnues par Nous les meilleures, qui ayant d'ailleurs les capacités nécessaires, voudra se charger de la partie principale du travail, sera nommé par Nous, sur le pied à établir ultérieurement, Historiographe du Royaume.*"—"Signé Guillaume."

The course taken by M. Guizot, when a similar task in connection with the archives of France was entrusted to him, as Minister of Public Instruction, is exhibited by the following passages from the circular which he issued in 1834:

"Un comité central, a été institué près le Ministre de l'instruction publique, et chargé spécialement de diriger et de surveiller, sous ma présidence les détails d'une si vaste entreprise. *J'ai sollicité la co-opération de toutes les Académies et Sociétés savantes organisées dans les Départements; j'ai choisi enfin, parmi les personnes les plus capables de me seconder dans ces travaux sur tous les points du Royaume.*

"J'ai la ferme confiance," added Guizot, appealing to the archivists of France, "que vous ne me refuserez point l'appui que je réclame de vous, et que bientôt, *grâce au concours de tous les hommes qui s'intéressent au progrès des études historiques, nous parviendrons à élever un monument digne de la France et des lumières de l'époque actuelle.*"

In England, Sir John Romilly, following, to some extent, the course successfully pursued on the Continent, confided the carrying out of the details of his plans, for the most part, to scholars of known character, of whom it may suffice to mention here Sir Francis Palgrave, Thomas Duffus Hardy, and Robert Lemon, whose names afforded a guarantee to the public for the proper execution of the work, so far as English history was concerned.

Without, however, any previous communication with competent scholars, incredible as it may appear, the serious task of editing and giving to the world calendars of an important class of the ancient Public Records of Ireland has been entrusted to a clerk in one of the Dublin Law Courts, totally unknown in the world of letters, and who, as he himself avers, has so far performed the work at "intervals snatched from the labours of official duties!"*

* Preface to Calendar of Patent and Close Rolls, Vol. i. p. xliv.

The learned Gerard protested in the following terms against the employment of any but archæologists of acknowledged competence upon the historic documents of Belgium:

"Si le Gouvernement chargeait d'autres personnes que les membres de la classe d'histoire, de la rédaction de cet important ouvrage, il ne resterait à ceux-ci, déclarés incapables par ce seul fait, d'autre

The result may be readily conjectured. At great expense to the nation, two large volumes have already been printed, the character of which leaves no alternative but to lay before the public an analysis of their contents; and, by emphatically protesting against their being received as the work of a recognised Irish archivist, I hope to save the historic literature of Ireland from being seriously prejudiced in the eyes of the learned world.

With this object I shall proceed to demonstrate that the Prefaces to these two volumes, although purporting to be the result of lengthened original documentary researches, are, in the main, abstracted verbatim, without acknowledgment, from previously published works: that the portions of the Prefaces not so abstracted are replete with errors: that the annotations are of the same character with the Prefaces; that the Prefaces evince ignorance even of the nature of Patent and Close Rolls; that the Calendar, or body of the work, as here edited, is, in general, unsatisfactory, and defective for either historical or legal purposes; that the title-pages are incorrect, as the volumes do not include a single *Close* Roll; that, although now given to the world as an *original* work, portions of these Calendars were *before printed*, and the *entire* prepared for the press by the Irish Record Commission, more than thirty years ago.

I fully anticipate the incredulity with which the reader may at first receive the assertion, that, of the prefaces, occupying 129 pages of these two volumes, seven-eighths there given as the result of original labour and research,

ressource que de renoncer au titre d'Académicien, devenu ignominieux pour eux, et de regretter le temps qu'ils auraient jusqu'ici employé gratuitement et inutilement à l'étude de l'histoire Belgique." *Memoire par M. le Baron de Reiffenberg sur la publication des monumens inédits de l'histoire Belgique.*

have been abstracted verbatim, without the slightest acknowledgment, from previously printed books; and that the remainder is composed of partly admitted quotations and inaccurate original observations.

The chief writers whose labours have been thus appropriated, without any acknowledgment, are Henry J. Mason; William Lynch; Sir W. Betham; Mr. Lascelles; James Hardiman; J. C. Erck; and Mr. Gilbert, author of the History of the City of Dublin, all well known in connection with Anglo-Irish archivistic research.

To exhibit fully the almost incredible freedom with which these appropriations have been made, I shall place a few specimens in parallel columns, carefully selecting for this object only such portions as are now published in these prefaces as the original composition of the editor of the Calendars. The first illustration shall be from the "Essay on the Antiquity and Constitution of Parliaments in Ireland," by Henry Joseph Monck Mason, LL.D., Dublin: 1820.

H. J. MASON, A.D. 1820.

"The extent of territory, under the influence of English dominations, materially varied at different times, and of consequence, the extent of country represented in the Irish Parliaments holden by the respective English Viceroys, was not always the same; I will however venture to assert, and it is sufficient for the purpose to demonstrate, that representation in Irish Parliaments was at all times co-extensive, not merely with the English Pale, but with whatever portion of the Irish territory acknow-

CALENDAR, A.D. 1862.

"The extent of territory under the influence of English domination materially varied at different times; and, in consequence, the extent of country represented in the Irish parliaments, holden by the English Viceroys was not always the same. I may venture to presume, that representation in Irish parliaments was at all times co-extensive, not merely with the Pale, but with whatever portion of the Irish territory acknowledged a subjection to English dominion, and acquiesced in its

ledged a subjection to English dominion, and acquiesced in its legislation.... This however has been perversely denied, and Sir John Davies is tempted to assert, that the Parliament of 1613, was the first general representation of the people 'which was not, confined to the Pale.' The reasons which induced Sir John Davies to give this turn to his speech, was his inexcusable anxiety to flatter the vanity of James I., a prince exceedingly proud, and particularly vain of his government of Ireland. It afforded to him the greatest degree of gratification to be told that he was the father of a constitution in this country."—*Essay on Parliaments*, 1820, p. 22.

legislation. This, however, has been denied, and Sir John Davies is tempted to assert, that the Parliament of 1613 was the first general representation of the people, which was not 'confined to the Pale.' The reasons which induced Sir John Davies to rush at this conclusion was his anxiety to flatter the vanity of James I., a prince proud and vain of his government in Ireland. It afforded him the greatest degree of satisfaction to be told that he was the founder of a constitution in this country."—*Calendar*, Vol. ii. p. xxx.

To the foregoing may be added the following specimens of the uses made of other portions of Mr. Mason's work :

H. J. MASON, A.D. 1820.

"The Pale, which was in its commencement very indistinctly, if at all, defined, became in the 15th century to be at once better known as the English part of the Island, and more accurately marked; until at length, an act of Parliament was passed, (the 10, Hen. VII. c. 34), for making a ditch to enclose the four shires, to which the English dominion was, at this time, nearly confined."—*Ib. Appendix xi.*

"In the 18th of this prince, we find two viceroys of the King

CALENDAR, A.D. 1862.

"The Pale, which was in its commencement very indistinctly, if at all, defined, became in the fifteenth century better known as the English part of the island, and more accurately marked, until at length an Act of Parliament was passed (10th Henry VII., c. 34), for making a ditch to enclose the four shires to which the English dominion was at this time nearly confined."—*Vol. ii., p. xxxi-ii.*

"In the 18th of Edward IV., two viceroys of the king

actually contending for authority, the one holding a Parliament at Naas, the other at Drogheda, and the king giving his assent to some of the enactments of each. This appears from the Close Roll, 19, Edw. IV."—*Ib.* p. 25.

actually contended for authority: the one holding a parliament at Naas, the other at Drogheda, and the king giving his assent to some of the enactments of each. This appears from the Close Roll of the 19th, Edward IV."—*Ibid* xlviii.

Among the writers who during the present century applied to the study of Anglo-Irish Records, the late William Lynch stood pre-eminent, for having combined profound erudition in this branch with refined and elegant philosophic criticism. Many of the best pages of the Prefaces to these Calendars have been, as may be seen from the following example, abstracted, without the slightest reference to Lynch, from his "View of the Legal Institutions, Hereditary Offices, and Feudal Baronies, established in Ireland during the reign of Henry II," London: 1830.

W. LYNCH, A.D. 1830.

"By letters patent under the great seal, and dated in 'full Parliament at Kilkenny,' the 11th of July, in the 19th year of his reign, King Edward certified (amongst other things) that at Easter 'in the 13th year of his reign, there were certain ordinances and statutes made in a Parliament held at Dublin.....to the honour of God and of Holy Church, the profit of his people, and the maintenance of his peace,' ...and that the statutes and ordinances so made and enacted..... were afterwards confirmed by a Parliament assembled at Kilkenny, all which ordinances and statutes

CALENDAR, A.D. 1882.

"By letters patent under the great seal, and dated in 'full Parliament at Kilkenny,' the 11th July, in the nineteenth year of his reign, King Edward certified that, at Easter, in the thirteenth year of his reign, there were certain ordinances made in a parliament held at Dublin, 'to the honour of God and of Holy Church, the profit of his people, and the maintenance of his peace;' and that the statutes and ordinances so made and enacted were afterwards confirmed by a parliament held at Kilkenny; all which ordinances, therefore, so made and ordained,

therefore so made and ordained, the king hereby now accepts and ratifies for himself and his heirs, and for ever confirms.

"At that period there existed no statute rolls; and whatever copies of ancient statutes still remain, are principally to be found amongst the records of the King's courts, where such statutes were immediately sent for the guidance of the Judges and their officers; as also amongst the archives of the ecclesiastical and lay corporations; namely, to the former that they might be promulgated in the cathedral and parochial churches by the archbishops, &c., as is expressly commanded by the statutes 2d, Edw. II.; and to the latter that they should be read and published by mayors and other officers within their corporate liberties, as was directed in the instance of those very statutes now under consideration. For this latter purpose a record was made of the statutes of the 13th Edw. II., by exemplification under the great seal, dated the 15th of May in that year, whereby the King recited and exemplified those statutes, and sent them to the Mayor and Bailiffs of Dublin, commanding them to cause the same to be read, published, and firmly maintained throughout their bailiwick. This exemplification was first

the King now accepts and for ever confirms."—*Vol. i, p. xlv.*

"At that period there existed no Statute Rolls, and whatever copies of ancient statutes still remain are principally to be found amongst the records of the law courts, where such statutes were immediately sent for guidance of the judges and their officers, as also amongst the archives of the ecclesiastical and lay corporations; to the former, that they might be promulgated in the cathedral and parochial churches, by the archbishops, as is commanded by the statute of 2^d Edward II., and to the latter, that they should be read and published, by mayors and other officers within their corporate liberties, as was directed in the instance of those very statutes now under consideration. For this latter purpose a record was made of the statutes of the 13th Edward II., by exemplification under the great seal, whereby the king recited and exemplified those statutes, and sent them to the mayor and bailiffs of Dublin, commanding them to cause the same to be read, published and firmly maintained throughout their bailiwick.

"This exemplification was first, however, recorded in the

however entered in the Chief Remembrancer's office, amongst the other ancient statutes there preserved, and the record then made is still extant in that department."—*View of Legal Institutions*, 1830, p. 54.

Exchequer amongst the other ancient statutes there preserved."—*Calendar*, Vol. ii., p. xlvi.

Numerous passages verbatim from the same work, as in the following instances, are given as original compositions in these "Prefaces," without any mention whatever of the source from which they have been derived:—

W. LYNCH, A.D. 1830.

"Chief Rememb. Roll, Dub. 9, E. 3. To this Parliament also, was summoned the Bishop of Emly, and he absenting himself was amerced in the same sum [of 100 marks]; but on his petition the cause of absence was enquired into by inquisition, and it was found that on the Vigil of the Nativity of our Lord next before the day of that Parliament, as the Bishop was riding towards the Church of Emly, his palfrey stumbled and threw him to the earth, whereby he was grievously wounded, and had three of the ribs on his right side fractured; in consequence, during the whole time of that Parliament, he lay so sick that his life was despaired of, and without peril of his body he could not approach the said Parliament; whereupon the King, having consideration of the Bishop's misfortune, and wishing to show him special grace, orders

CALENDAR, A.D. 1862.

"We find on the Memoranda Roll of the 9th Edward III., that the Bishop of Emly was summoned to a parliament, and, absenting himself, was fined. On his petition, the cause of his absence was enquired into, and it was ascertained, by inquisition, that on the Vigil of the Nativity, as the Bishop was riding towards the church, his palfrey stumbled and threw him on the earth, whereby he was grievously wounded, and had three of his ribs fractured; in consequence, during the whole time of the parliament, he lay so sick that his life was despaired of, and without peril of his body he could not approach the parliament; whereupon the King, having consideration of the Bishop's misfortune, and wishing to show him special grace, ordered him to be exonerated and discharged from the fine."—*Vol. ii., Preface*, p. xlvi.

him to be exonerated and discharged from the fine."—p. 57.

* In the year 1351 a Parliament sat at Dublin, and several Statutes were there enacted.... Those statutes are enrolled, though like many others, they never have been published. By one of them the *English* Statute for regulating the fee of the Marshal is adopted and ordered to be followed in Ireland; and by another the *English* statute of labourers is accepted, and the same ordered to be sent by writ to each sheriff, seneschal, mayor, &c., for the purpose of being proclaimed and put in force."—*Ib.* p. 59.

"In the Primate's registry at Armagh, are entered two writs of parliamentary summons issued in the 36th and 41st year of this reign."—p. 60.

"In the year 1351 a Parliament sat at Dublin, and several Statutes were there enacted. Those Statutes are enrolled, though, like many others, they have never been published.

"By one the English Statute of Labourers is accepted, and the same ordered to be sent by writ to each sheriff, seneschal, and mayor, for the purpose of being proclaimed."—*Ib.*, *ib.*

"Two writs of Parliamentary Summons, issued in the thirty-sixth and forty-first years of the reign of Edward III., are now in the Primate's Registry in Armagh."—*Ib.*, *ib.* p. xlv.

A volume entitled "Dignities, Feudal and Parliamentary," published at Dublin, in 1830, by the late Sir William Betham, has been largely used to fill these Prefaces, which however contain no reference either to this work or to its author; and various pages in the following style are given to the world as new original composition:

BETHAM, A.D. 1830.

"Matthey Paris states, that 'Henry the Second granted the laws of England to the people of Ireland, which were joyfully received by them all, and confirmed by the king, having first

CALENDAR, A.D. 1862,

"Matthew Paris states, that 'Henry the Second granted the laws of England to the people of Ireland, which were joyfully received by them all, and confirmed by the King, having first

received their oaths for their observation of them.' It is probable that this was a grant to *all the Irish who chose to adopt it*; but as O'Connor, King of Connaught, O'Neill, King of Kinelowen, or Tyrone, O'Donel of Tyrconnell, and other Irish chiefs, became but vassal princes, 'reges sub eo ut homines sui,' paying to the English sovereign annual tribute in acknowledgment of his sovereignty, it is not probable that they would or could immediately change the laws and customs of their territories, *per saltum*; and we find that by a writ of 6 John, no one was to be impleaded for the chattels or even *the life*, of an Irishman, *until after Michaelmas term in that year*; therefore, if the boon was general, it must then have been considered forfeited by the frequent attempts made by the native Irish, to shake off the English yoke, after Henry's return to England. The writ of the 6th of John, however, seems to imply, that after fifteen days of Michaelmas, 1205, the benefits of the laws extended to all the Irish, as well as the English, although in the reigns of Henry the Third and his successors, the records show that *all the Irish* had not, during those periods, the benefit of the laws of England."—*Dignities, Feudal, &c.* 1830, p. 228-9.

received their oaths for their observation of them.' It is probable this was a grant to *all the Irish who chose to adopt it*; but as O'Connor King of Connaught, O'Neill, King of Kinelowen, or Tyrone, O'Donell, of Tyrconnell, and other Irish chiefs, became but vassal princes, 'reges sub eo ut homines sui,' paying to the English sovereign annual tribute in acknowledgment of his sovereignty, it is not probable that they would immediately change the laws or customs of their territories; and we find by a writ of the 6^o of King John, that no one was to be impleaded for the chattels, or even the life of an Irishman, until after Michaelmas term in that year; therefore, if the boon was general, it must then have been considered forfeited by the frequent attempts made by the native Irish to shake off the English yoke after Henry's return to England. The writ of the 6^o of John, however, seems to imply, that after Michaelmas, 1205, the benefit of the laws extended to all the Irish as well as the English, although in the reigns of Henry III. and his successors, the records show that the Irish had not, during those periods, the benefit of the laws of England."—*Calendar, Vol. ii, lii.*

A further view of the sources whence the best portions of these Prefaces have been derived, is afforded by the fol-

lowing, also verbatim, from the same work of Sir W. Betham, without the slightest acknowledgment, and printed as original in the Calendars :

BETHAM, A.D. 1830.

"The earliest mention of a parliament by name, on the records of Ireland, is on the great Roll of the Pipe, of 10 to 12 Edward I....

"In the 13th year of Edward I. the following memorandum is enrolled in the Red Book of the Exchequer of Ireland, and is also to be found on the Close Roll of the same year, Claus. 13, Edw. I, m. 5, dorso. The first are declared to be statutes enacted by the king and his council, the latter enacted in the king's parliament, *id est*, the king's court of justice, which were transmitted to Ireland, to be there observed as the law, although parliaments, or assemblies called parliaments, were held previously in that country.

"An entry in the Black Book of the Church of the Holy Trinity, Dublin, of the year 1297, the 26th of king Edward the First, [is] of the first importance in showing the component parts of the parliament held in Dublin in that year."—*pp.* 258, 9, 61.

"The legal institutions of Ireland were avowedly formed on the English model; in other words, the *English laws* and customs were introduced into Ire-

CALENDAR, A.D. 1862.

"The earliest mention of a Parliament, by name, in the records of Ireland, is to be found in the great Roll of the Pipe, of 10^o to 12^o Edward I.

"In the Red Book of the Exchequer, and on the Close Roll of the 13^o Edward I, is the following memorandum:—'*Quod die Veneris, &c. Rot Claus, 13 Ed. I, m. 5. The first are declared to be Statutes enacted by the King and his Council; the latter enacted in the King's Parliament, id est, the King's Court of Justice, which were transmitted to Ireland, to be observed there as the law, although Parliaments, or assemblies called Parliaments, were held previously in that country.*

"In the Black Book of Christ's Church, of the 26th of Edward I, 1297, we find described the component parts of the Parliament held in Dublin in that year."—*Vol. ii. p. liii.*

"The legal institutions of Ireland were avowedly formed on the English model,—in other words, the English laws and customs were introduced into Ire-

land, with the English rule. The judges, in both countries, have ever laid it down, as an acknowledged and settled dictum, that a perfect identity of the common laws and legal customs of England has existed in all ages, among the Anglo-Irish, and those Irish who resided within the English Pale and were lieges of the king."—p. 225.

"Phillip le Bret, sheriff of Dublin, was allowed in his account twenty shillings, which he paid to various messengers employed to summon a parliament."—*Dignities Feudal, &c.*, 1830, p. 290.

"In the Rolls Office, Dublin, is a membrane containing three statutes of the parliament held at York, 9, Edward III, transmitted for observation in Ireland," *Ibid*, p. 292.

land with the English rule. The judges, in both countries, have ever laid it down as an acknowledged and settled dictum, that a perfect identity of the common laws and legal customs of England has existed in all ages among the Anglo-Irish, and those Irish who resided within the Pale, and were lieges of the king."—*Ibid*. p. lii.

"Phillip De Bret, Sheriff of Dublin, was allowed in his account twenty shillings, which he had paid various messengers employed to summon a parliament to meet at Dublin, in Hilary term, 2^o Edward III."—*Calendar, Vol. ii.*, p. xlv.

"In the Rolls Office is a membrane containing three statutes of the parliament held at York, 9^o Edward III, transmitted for observation in Ireland."—*Ibid*, xlv.

The following appropriation of the ideas and facts of Mr. Lascelles, editor of the "*Liber Munerum Publicorum Hiberniæ*," without any reference to that gentleman or to his work, may perhaps be justified by a reasoning similar to that used in the "*Critic*," by "*Puff*," who, on being reminded that he had stolen the entire of a famous passage from "*Othello*," declared it to be of "no consequence;" and added that "all that can be said is, that two people happened to hit on the same thought—and Shakespeare made use of it first—that's all:"

LIBER MUNERUM, A.D. 1830.

"But the principal occasion of the disappearance of the re-

CALENDAR, A.D. 1862.

"But the principal occasion of the disappearance of the re-

cords is not without its consolation ; for it affords hope that all which are regretted are not irrevocably lost. It is this (and Prynne in his preface to Cotton's Tower Records has some curious observations on a similar practice, which from time to time prevailed too much even in England):—The principal keepers of records have been often or commonly men of high office, or of great family and other influence. The Seymour family, the Leinster, the Downshire, the Orrery, &c., &c. have filled the offices of masters of the rolls of chancery, or of principal officer over that or some other record-treasury. In that office it was not unusual for a roll to be often sent for to their private houses, where they but too often have remained. The late Primate of Ireland told me he had it from Lord Hertford, that there were in his private-evidence room certain records of Chancery. Probably similar discoveries might be made in the evidence rooms of the other great families who have held office particularly in that of the Marquis of Ormond."—*Vol. i. p. 2. col. 2.*

"We may hence account for the wealth of the Chandos Papers, and those in the possession, 100 years ago, of Sterne, the then Bishop of Clogher, so often mentioned in Bishop Nicholson's

cords is not without its consolation, for it affords hope that all whose disappearance is regretted are not irrecoverably lost ; it is this (and Prynne, in his preface to Cotton's Tower Records has some curious observations on a similar practice, which from time to time prevailed to a great extent, even in England), it was not unusual for a Roll or record to be sent for to the private house of the Master or principal Keeper of Records, where it but too often remained.

"It is very well known that in the private muniment-room of the late Lord Hertford, 'certain records of Chancery' were preserved.

"Similar discoveries might be made in the muniment-rooms of the other great families who have held office, particularly in that of the Marquis of Ormond." *Calendar, Vol. ii. p. viii.*

"We may thus account for the wealth of the Chandos Papers, and those in possession, more than a century since, of Sterne, then Bishop of Clogher, so often mentioned in Nichol-

historical library. Of these, Madden and Sterne's collections were given to the college of T. C. D. where they may still be seen. And hence we may account for the Carew Papers at Lambeth, and many MSS. in the Cottonian, Harleian, and Lansdown collections of State Papers at the Museum; not to mention those at Oxford, brought there during the civil wars, when Charles I. carried on the government, and held Parliaments, in that city. Lord Orrery's library at Christ Church, Oxford, should contain some valuable manuscripts and records."—*Ib.* p. 3, col. i.

son's Historical Library. Of these, Madden and Sterne's collections were given to the College of T. C. D., where they now remain: and hence we may account for the Carew MS. [*sic*] at Lambeth, and those at Oxford, brought there during the civil wars, when Charles the First carried on the government, and held Parliaments in that city, and those contained in Lord Orrery's Library at Christ Church."—*Calendar*, Vol. i. p. xii.

The late James Hardiman justly deserved to be styled the founder of the modern accurate school of Anglo-Irish documentary learning. Of his acquirements as an historian and archivist a lasting monument is extant in his admirable edition of the famous "Statute of Kilkenny," the original French text of which with an English version, copious notes and illustrative documents was published under his care in 1843, by the Irish Archæological Society with the following title: "A Statute of the fortieth year of King Edward III. enacted in a parliament held in Kilkenny, A. D. 1367, before Lionel, Duke of Clarence, Lord Lieutenant of Ireland, now first printed from a manuscript in the library of his Grace the Archbishop of Canterbury, at Lambeth." Of the portions of this work transferred verbatim into the Prefaces to the "Calendars," without any mention of Hardiman, the following may serve as examples:

HARDIMAN, A.D. 1843.

"In an old book of reference, A.D. 1634, preserved in the Rolls' Office, Dublin, I find the following entry: 'Rotul, 13^o Ed. III. A Parliament roll in My Lo. Pry-mate's hands.' If he returned this roll, it has been since lost, for it is not at present to be found there. From this entry, however, it may be inferred, that other rolls might have been likewise borrowed; and perhaps, among them, that containing the original inrolment of the Statute of Kilkenny.

"For in a treatise 'Of the first Establishment of English Laws, and Parliaments in the Kingdom of Ireland, October 11th, 1611, written by James Ussher, afterwards Archbishop of Armagh,' it is stated, that 'The Acts of the Parliament holden at Kilkenny, the first Thursday in Lent, 40th Edw. III., are to be seen among the Rolls of Chancery, and are commonly known by the name of the Statutes of Kilkenny.'"—*page xix.*

"Amongst the numerous Irish records lost by time and accident, the Statute of Kilkenny has also disappeared; for the oldest Statute Roll now extant, is one of the fifth year of Henry VI., A.D. 1426. Bishop Nicholson, in his Irish Historical Library, states, that 'the Statute of Kilkenny is, and long has been, lost out of the Parliamentary

CALENDAR, A.D. 1862.

"In an old book of reference of the date of Charles I., preserved in the Rolls' Office, it is stated that a Parliament Roll of the 13^o of Edward the Third, was in the Lord Primate's hands. This Roll is not now to be found. From this we may presume that other records have been abstracted.

"We read in Archbishop Usher's treatise of the first establishment of English laws and Parliaments in Ireland, that the 'Acts of the Parliament holden at Kilkenny, the first Thursday in Lent, 40^o Edward III., are to be found among the Rolls of Chancery, and are commonly known as the 'Statutes of Kilkenny.'"—*Vol. ii. Preface, p. ix.*

"Amongst the numerous records lost by time and accident the latter Statutes have also disappeared; for the oldest Statute Roll now to be found is one of the 5th of Henry VI., A.D. 1426; and Bishop Nicholson, in his 'Historical Library,' states 'that this Statute has long been lost out of the Parliamentary records of the kingdom.'

Records of this Kingdom;' and it does not satisfactorily appear, that it has been seen by any writer on Irish affairs since the days of Ussher, Davies and Ware. Mr. Plowden, one of our latest historians, has stated, that in his time it was 'preserved in the Castle of Dublin.' But this was mere conjecture, which the writer from personal research can negative. After diligent search, however, they have not been found in the place alluded to, or in any other repository in Ireland.

"See Serjeant Mayart's answer to Sir Richard Bolton's Declaration, in *Hibernica*, where it is stated, that many of the ancient records of Ireland, in troublesome times, were transmitted into England; and those which remained in Ireland were put up together in one place, in the times of rebellion; and after taken out by the officers of the several courts, but not duly sorted."—*Hardiman*, pages xviii, xix.

"Plowden states that in his time it was 'preserved in the Castle of Dublin;' but it is not now to be found amongst the records of that depository.

"Serjeant Mayart states that 'many of the ancient records of Ireland, in troublesome times, were transmitted to England; and those which remained in Ireland were put together in one place in times of rebellion, and after taken out by the officers of the several courts, but not duly sorted.'"—*Calendar*, Vol. ii, p. ix.

Another extract from the same work of Hardiman will illustrate how the *original* observations and conclusions in these "Prefaces" have been derived. In the following instance the point was not seen of the italics by which the acute Hardiman indicated that Bishop Nicholson seriously erred in designating Sir George Carew the *writer* instead of the collector of the "Carew Manuscripts;" and also in ascribing to him the authorship of the work entitled "Pacata Hibernia:" a history of the wars which he carried

on in Munster against the Irish during the closing years of the reign of Elizabeth :

HARDIMAN, A.D. 1843.

"This passage written nearly 200 years ago, by [Serjeant Mayart] one of the highest legal authorities of the time, is valuable as regards the records of this Country. In it we discover the reason, why several records relating to Ireland, are now to be found in London, viz. in the Tower, the Chapter-house at Westminster and other repositories there ; in all which places they are totally useless.....

"Though useless there they might prove useful at home, if only for historical purposes; and, therefore, and as they belong to Ireland, they ought to be restored.

"The Irish charge Sir George Carew with having taken away and destroyed many of their ancient records. His *collection* in the Lambeth Library has been thus strangely described by Bishop Nicholson. 'This great and learned Nobleman wrote other books (besides *Pacata Hib.*) relating to the affairs of Ireland ; *forty-two volumes whereof*, are in the Archbishop of Canterbury's Library at Lambeth.'"—*Statute of Kilkenny*, 1843, p. xix.

CALENDAR, A.D. 1862.

"Thus we know that numerous records relating to Ireland are now to be found in various repositories in London, where they are totally useless.

"Those records, though useless in London, would prove useful at home, if only for historical purposes; and, as they belong to Ireland, they ought to be restored."—*Vol. 2, p. 9.*

"Sir George Carew has been charged with having taken away and destroyed some of the ancient Irish records, and his collection in the Lambeth Library is thus described by Nicholson : 'This great Nobleman wrote other books besides the '*Pacata Hibernia*,' relating to the affairs of Ireland, *forty-two volumes whereof* are in the Archbishop's library at Lambeth.'"—*Vol. ii. p. x.*

Of Irish historical works produced within the last ten years, none can be pointed out as exhibiting a larger amount of original research among unpublished ancient Anglo-Irish legal records than the volumes of Mr.

Gilbert upon the History of the City of Dublin, the value of which was publicly recognized by the Royal Irish Academy awarding their prize gold medal to the author.* Of the unacknowledged use made in the Prefaces to the Calendars of this gentleman's labours some instances are subjoined :

GILBERT, A.D. 1854.

"An illustration of the existence of serfdom in Ireland at the commencement of the fourteenth century is furnished by a proceeding recorded on a Memorandum Roll of the 31st year of Edward I, from which it appears that the prior of the Convent of the Holy Trinity, Dublin, claimed William Mac Kilkeran as his serf ('nativum suum'), alleging that Friar William de Grane, a former Prior was seized of Moriortagh MacGilkeran, his great grandfather, as of fee, and in right of his church, in the time of peace, during the reign of Henry III, taking *Marchet*, such as giving his sons and daughters in marriage; that Moriortagh had a son Dermot, who had a son named Ririth, who also had a son Ririth, and said William; and Ririth junior had Simon, who acknowledged himself to be the serf of the Prior, in whose favor judgment was accordingly given."

—*Hist. of Dublin*, Vol. i, pp. 103-4

"The Manuscripts which Sir James Ware had collected with

CALENDAR, A.D. 1862.

"Proceedings by the ancient writ *de nativis* are to be found on our Rolls: thus, the Prior of Christ Church, Dublin, brought his writ against one William, whom he claimed to be his *native* or *villain*; and he pleaded that his predecessor was seized of this William's great grandfather, as of fee, in right of his church, and by taking *merchate* (*merichetum*) on the marriage of his sons and daughters and *tal-liages* by high and low, at his will, and other *villanous services*: the defendant pleaded, with considerable specialty, but judgment was pronounced for the Prior."—*Calendar*, Vol. ii, xli.

"The Manuscripts which Sir James Ware (author of the

* See the Address delivered by the President of the Royal Irish Academy, Dublin, 16 March, 1862; Proceedings of the R. I. Academy, Vol. viii., pp. 101-104.

great trouble and expense were brought to England by Lord Clarendon in the reign of James II., and afterwards sold to the Duke of Chandos, who was vainly solicited by Swift in 1734 to restore them to Ireland. On the Duke's death the documents passed to Dean Milles, who bequeathed them to the British Museum, where they now form the principal portion of the collection known as the Clarendon Manuscripts."—*ib.* p. 5.

"In 1695, after the Williamite Legislature had passed an enactment annulling all the proceedings of the Irish Parliament of James II, the Lord Deputy, Henry Lord Capel, and the Privy Council assembled in the Council Chamber on the 2nd of October, and the Act having been read, the Clerk of the Crown, the Clerk of the House of Lords, the Deputy Clerk of the House of Commons, and the Deputy Clerk of the Rolls, who attended by order, brought in all the records, rolls, journals, and other papers in their custody relating to the Jacobite acts. The door of the Council Chamber was then set open, and the Lord Mayor, Aldermen, Sheriffs, and Commons of the City of Dublin, with many other persons, being present, the records, journals and other papers were publicly cancelled and burnt.

'Annals of Ireland') had collected with great trouble and expense, were brought to England by Lord Clarendon in the reign of James II., and afterwards sold to the Duke of Chandos. On the Duke's death the documents passed to Dean Milles who bequeathed them to the British Museum, where they now form the principal portion of the collection known as the 'Clarendon Manuscripts.'—*Calendar, Vol. i, xviii.*

"In 1697, after the Legislature had passed an enactment annulling all the proceedings of the Irish Parliament of James II; the Lord Deputy, Henry Lord Capel, and the Privy Council, assembled in the Council Chamber on the 2nd October, and the Act having been read, the Clerk of the Crown and the Deputy Keeper of the Rolls, who attended by order, brought in all the records, rolls, journals, and other papers in their custody relating to the Acts of James the Second. The door of the Council Chamber was then set open, and the Lord Mayor, Aldermen, Sheriffs, and Commons of the City of Dublin, with many other persons, being present, the records, journals, and other papers were publicly cancelled and burned."—*Calendar, Vol. i, p. xvii.*

"Government continued to use the Council Chamber in Essex Street, till it was destroyed in 1711 by an accidental fire, which consumed many of the Privy Council Books, the Strafford and Grosse Surveys of Ireland, a large portion of the Down Survey, with a mass of other valuable documents deposited in the Office of the Surveyor-General, which, as already noticed, was located in this building."—*Hist. of Dublin*, Vol. ii, p. 150.

"In the year 1711, a number of the volumes of the Maps of the Down Survey, taken by Sir William Petty, in the years 1655 and 1656, by order of Government, were totally destroyed by a fire which took place in a house in Essex-street, where the Surveyor-General's office was then kept."—*Calendar*, Vol. i., xviii.

In the wholesale transfer of these passages the correction of the date from 1697 to 1695, in the errata to Mr. Gilbert's second volume, was apparently overlooked, and thus the Calendar represents Lord Capel, who died in May 1696, to have appeared publicly at Dublin, in October, 1697—seventeen months after his decease!

The French writers of the latter part of the seventeenth century unanimously agreed to regard the works of the ancients as legitimate prey, but at the same time they declared stealing from a contemporary to be a disreputable offence:

"Prendre des Anciens et faire son profit de ce qu'ils ont écrit," wrote Le Vayer, "c'est comme pirater au delà de la ligne; mais voler ceux de son siècle, en s'appropriant leurs pensées et leur productions, c'est tifer la laine aux coins des rues, c'est ôter les manteaux sur le Pont Neuf!"

The Prefaces to these Calendars, however, exhibit a remarkable impartiality in the wholesale appropriation of the labours of both ancients and moderns. Of the abstractions from old writers we have an illustration in the following, put forward as entirely original, and without any mention of the work by Sir John Davies, entitled, "A

Discoverie of the true causes why Ireland was never entirely subdued" till the reign of James I. first published at London, in 1612, and frequently reprinted :

DAVIES, A. D. 1612.

"That the meere Irish were reputed *Aliens* appeareth by sundrie records; wherein iudgement is demanded, if they shall be answered in Actions brought by them: and likewise, by the Charters of Denization, which in all ages were purchased by them.

"In the common plea Rolles of 28 Edward the third (which are yet preserved in Breminghams Tower) this case is adiudged. *Simon Neal* brought an action of trespassed against William Newlagh for breaking his Close at Clondalkin, in the County of *Dublin*; the Defendant doth plead, that the plaintiff is *Hibernicus & non de Quinque sanguinibus*; and demandeth iudgement, if he shall be answered. The Plaintiffe replieth; *Quod ipse est de quinque sanguinibus (viz.) De les Oneiles de Ulton, qui per Concessionem progenitorum Domini Regis; Libertatibus Anglicis gaudere debent & utuntur & pro liberis hominibus reputantur.* The Defendant rejoyneth that the Plaintiffe is not of the Oneales of *Ulster*, Nec de quinque sanguinibus. And thereupon they are at yssue. Which being found for the Plaintiffe, he had iudgement

CALENDAR, A. D. 1862.

"That the mere Irish were reputed *aliens*, appears by several records and charters of denization.

"On the Plea Roll of the 28th Edward III, we find the following interesting record. *Simon Neal* brought an action of trespass against William Newlagh for breaking his close at Clondalkin; the defendant pleaded that the plaintiff '*est Hibernicus et non de quinque sanguinibus*', and prayed judgment. The plaintiff replied, *quod ipse est de quinque sanguinibus, viz., de les O'Neiles de Ulton (Ulster), qui per concessionem progenitorum Domini Regis, libertatibus Anglicis gaudere debent et utuntur, et pro liberis hominibus reputantur.*

"The defendant rejoined that the plaintiff is not of the O'Neils of Ulster, — *nec de quinque sanguinibus*; issue was joined, which, being found for the plaintiff, he had judgment to recover his damages.

to recouer him damages against the Defendant.

"By this record it appeareth that five principal bloods, or Septs, of the Irishry, were by speciall grace enfranchised and enabled to take benefit of the Lawes of England; And that the Nation of the *O'Neales* in Ulster, was one of the five.

"And in the like case, 3 of *Edward* the second, among the Plea Rolles in Bremingham's Tower: All the 5 Septs or blouds, Qui gaudeant lege Anglicana quoad breuia portanda, are expressed, namely; Oneil de Ultonia; O'Melaghlin de Midia; O'Connogher de Connacia; O'Brien de Thotmonia; and Mac Morrogh de Lagenia."—*Discoverie why Ireland was never entirely subdued*, 4to. 1612, p. 102-4.

"By this record it appears that five principal bloods or septs of the Irish were by special grace enfranchised and enabled to take the benefit of the English Laws, and that the nation of the O'Neils was one of the five.

"On the Plea Roll of the 3^d of Edward II, all the septs or bloods, 'qui gaudeant lege Anglicana quoad brevia portanda, are expressed; namely, O'Neil de Ultonia, &c. O'Melaghlin de Midia, O'Connogher de Connacia, O'Brien de Thotmonia, and Mac Murrogh de Lagenia." *Calendar*, Vol. ii. p. xxxix.

It might have been supposed that the "Calendars" should bring to light information new and interesting on the Rolls which form the subject of the work; the reader will, however, be disappointed to find that all the pages of the Preface to the first volume (xxx to xxxv) which purport to be original descriptions of the Irish Records, have been taken entirely, in the following mode, from a printed Report addressed by George Hatchell, Clerk of enrolments, to Robert Wogan, Deputy Keeper of the Rolls, and dated Rolls Office, Dublin, 6th March, 1843; but in these volumes we find not even a remote reference to Mr. Hatchell's Report:

HATCHELL, A.D. 1843.

"The Patent Rolls of Chancery commence in the reign of

CALENDAR, A.D. 1861.

"The Patent Rolls of Chancery commence in the reign of

Edward I., and are continued down to the present time. Upon these Rolls are contained the enrolments of grants in fee or perpetuity for lives and years; of Crown lands, Abbey lands, and escheated lands; patents of creations of honour; grants of Charters of incorporation and liberties; grants of offices, denizations, ferries, and fisheries; patents for inventions, and specifications thereof; licences, and pardons of alienation; presentations; promotions to bishoprics and deaneries; special licences; grants of wardship; commissions; inquisitions *post mortem* and on attainder; orders of Council; depositions of witnesses in *perpetuam res memoriam*; deeds; conveyances; grants in *custodiam*; grants of manors and all their appurtenances, and of fairs and markets; surrenders of lands and offices to the Crown; summonses to Parliament; bonds; obligations; replevins; pardons; letters of attorney; licences for officers to treat with the Irish; treaties; Popes' bulls; proclamations; letters of protection; writs of *amoveas manus*, of possessions taken by the Crown; writs of *ouster le main*; deeds and conveyances; King's letters; wills; orders of Council; &c."—*Hatchell's Report*, p. 1.

"The Parliament Rolls, comprising both the public and private Statutes passed in the Irish

Edward I., and are continued down to the present time. Upon these Rolls are contained the enrolments of grants in fee or perpetuity, for lives and years; of Crown lands, Abbey lands, and escheated lands, patents of creations of honour; grants of Charters of incorporation and liberties; grants of offices, denizations, ferries, and fisheries; patents for inventions, and specifications; licences and pardons of alienations; presentations; promotions to bishoprics and deaneries; special licences; grants of wardships; commissions; inquisitions *post mortem* and on attainder; orders of Council; depositions of witness [*sic*] in *perpetuam rei memoriam*; deeds; conveyances, grants in *custodiam*; grants of Manors and all their appurtenances, and of fairs and markets; surrenders of lands and offices to the Crown; summonses to Parliament; bonds; obligations; replevins; pardons; letters of attorney; licences for officers to treat with the Irish; treaties; Papal bulls; proclamations; letters of protection; writs of *amoveas manus* of possessions taken by the Crown; writs of *ouster le main*; deeds and conveyances; King's letters; wills; &c."—*Calendar*, Vol. i, p. xxx.

"The Statute Rolls, comprising both the public and private Statutes passed in the

Parliament, commence in the reign of Hen. VI. They include the reigns of Hen. VI., Ed. IV., Ric. III., Hen. VII., Hen. VIII., Philip and Mary, Eliz., and James I., and comprise forty-five Rolls. They are without any calendar or index to the II^o, James I.

"From this period to 1715, the public and private Acts being promiscuously enrolled together on the same series of Rolls, an imperfect Calendar was at that time made, of both kinds of Acts; but from 1715 to 1800, inclusive, when our Parliament ceased, the private Acts being enrolled separately, there was a regular catalogue and index made to those private Acts (but to the entire exclusion of all the public Acts), which is in good order.

"The Statute Rolls, prior to 10^o, Hen. VII., are all in Norman French, and as there are printed Statutes long prior to the oldest Parliamentary Roll appearing here, some of the more ancient of those Rolls must have been lost."—*Hatchell's Report*, 1843, p. 2.

Irish Parliament, commence in the reign of Henry VI. They include the reigns of Henry VI., Edward IV., Richard III., Henry VII., Henry VIII., Philip and Mary, Elizabeth, and James I., and comprise forty-five Rolls. They are without any calendar or index to the II^o, James I.

"From this period to 1715, the public and private Acts being promiscuously enrolled together on the same series of Rolls, an imperfect Calendar was at that time made, of both kinds of Acts; but from 1715 to 1800, inclusive, when our Parliament ceased, the private Acts being enrolled separately, there was a regular catalogue and index made to those private Acts (but to the entire exclusion of all the public Acts), which is in good order.

"The Statute Rolls, prior to 10^o, Henry VII., are all in Norman French, the then legal as well as general language of the Court; and as there are printed Statutes long prior to the oldest Parliamentary Roll appearing here, some of the more ancient of those Rolls must have been lost."—*Calendar*, Vol. i, p. xxxi.

From the above cited Report of Mr. Hatchell have been appropriated in like manner all the descriptions, given in the "Preface" to the first volume of the Calendar, of the Pipe, Memoranda, Recognizance, Cromwellian, Convert, Roman Catholic, and Palatine Rolls, Letters of Guardianship, Fiant, Inquisitions, &c.

The mode adopted in these "Prefaces" to supply from others the total deficiency of original research, even among the Rolls which form the subject of the Calendars, is further illustrated in the following entirely unacknowledged appropriation from Mr. Lascelles' introduction to the "*Liber Munerum Publicorum Hiberniæ*:"

LASCELLES, A.D. 1830.

"In the Irish repositories the wonder is, that so many records are extant, and in such preservation. It is not that there are so few, but that there are any at all. Of the Rolls of Parliament, none such are now extant in Ireland, if any ever existed; what in the returns are called Parliament rolls, are in fact Statute rolls. Of these, with the exception of one membrane containing the exemplification of three Statutes enacted at York 3, Edw. III., all the Statute rolls of Ireland are missing, down to the 5th of Hen. VI. Of the reign of Hen. VII. there are but three Statute rolls; viz. for the 8th, 10th, and 24th years; but four, viz., of the 7th, 25th, 28th, and 33rd of Hen. VIII.; of Philip and Mary but one Statute roll, viz. of the 3rd and 4th, Phil. and Mary; Of Elizabeth but three, viz. of the 7th, 11th, 27th and 28th; Of James I. but one Statute roll, viz. of the 1st of the reign; Of Charles I., but five, viz. one of the 10th, and 16th, and three of the 15th year of the reign; of Charles

CALENDAR, A.D. 1862.

"The wonder is, that in the Irish repositories so many records are extant, and in such preservation: none of the Rolls of Parliament are now to be found in Ireland, if ever any existed; what we have been accustomed to call Parliament Rolls are in fact Statute Rolls. Of these, with the exception of one membrane, containing the exemplification of three statutes enacted at York, in the third of Edward III., all the Statute Rolls of Ireland are missing down to the 5th of Henry VI. Of the reign of Henry VII. there are but three Statute Rolls, viz., for the 8th, 10th, and 24th years; but four, viz., of the 7^o, 25^o, 28^o, 33^o, of Henry VIII. Of Philip and Mary, but one Statute Roll, viz., of the 3rd, and 4th; of Elizabeth, but three, viz., of the 7th, 11th, 27th, 28th; of James I., but one Statute Roll, viz., of the 6th of his reign; of Charles I., but five, viz., one of the 10th and 16th, and three of the 15th year of his reign; Of Charles II., but seven, from the 13th to the 18th of that reign. But this is

II., but seven, from the 13th to the 18th of that reign, (1660-1666). But this is accounted for, as no Parliament sat in Ireland after the year 1666, until the 4th of William and Mary: Of which year only there remains any Statute roll, viz. one of the 4th; of William, only four, viz. one of the 7th and three of the 9th. After which the Statute rolls are in regular series....Of Edward I. but three patent rolls are extant, viz. one of the 1st and two of the 31st of the reign; that is, the rolls of 32 entire years are missing: Of Edw. II. the Patent rolls are missing of the 1st, 6th, 7th, 8th, 12th, 15th, 16th, 17th, and 19th years of the reign. Of Edw. III. are missing the Patent rolls for the first *seven* years of the reign; also of the 10th, 12th, 13th, 14th, 15th, 16th; from the 21st to the 25th, both inclusively; of the 27th, 28th, and 31st; all the rolls from the 34th to the 41st, both inclusively; also of the 43rd, 44th, 45th, 47th, 50th: in all 34 years are missing of this reign. Of Ric. II. there is no Patent roll extant of the 3rd, 4th, 6th, 7th, 11th, 14th, and 17th years, nor any of the four last years of the reign: in all 11 years. Half of his reign are missing. Of Hen. VI. are missing the Patent rolls for the 6th, 7th, 8th, from the 15th to the 24th both inclusively; the 26th, 27th: in all

accounted for, as no Parliament assembled in Ireland, after the year 1666 until the fourth of William and Mary, of which year there remains only one Statute Roll; of William, only four, viz., one of the 7th and three of the 9th year; after which the Statute Rolls are in regular series. Of Edward I. but three Patent Rolls are extant, viz., one of the 1st and two of the 31st of the reign; that is, the rolls of thirty-two years are missing. Of Edward II. the Patent Rolls are missing of the 1st, 6th, 7th, 8th, 12th, 15th, 16th, 17th, and 19th years of the reign. Of Edward III. the Patent rolls are missing for the first seven years of the reign; also of the 10th, 12th, 13th, 14th, 15th, 16th; from the 21st to the 25th, both inclusive; of the 27th, 28th, and 31st; all the rolls from the 34th to the 41st, both inclusive; also of the 43rd, 44th, 45th, 47th and 50th; in all thirty-four years, are missing of this reign. Of Richard II. there is no Patent Roll extant of the 3rd, 4th, 6th, 7th, 11th, 14th, and 17th years, nor any of the last four years of the reign; in all eleven years. Of Henry VI, the Patent Rolls are missing of the 6th, 7th, 8th, from the 15th to the 24th, both inclusive; the 26th, 27th; in all for seventeen years. Of Edward IV., who reigned twenty-three years, there are extant Patent Rolls of the 1st,

or 17 years; that is, for more than half of the reign. Of Edw. IV. who reigned 23 years, there are extant Patent rolls of the 1st, 7th, 15th, 16th, 21st, 22nd only; that is, the rolls of 17 years, are missing.

"Of Henry VII., who also reigned 23 years, the *Patent* rolls for the first nine years are missing; also for the 11th, 12th, 13th, 16th, 18th, 19th, 20th, 22nd, 23rd; in all for 18 years, more than three-fourths of the reign.

"Of Hen. VIII., who reigned 37 years, the Patent rolls for 20 years are missing, viz. for the four first years; for 15 whole years between the 6th, and 22nd of the reign, and also for the 26th year.

"After this the Patent rolls are preserved in almost a regular series, with the following exceptions: of the reign of Elizabeth there is no Patent roll for the 15th year; Of Charles I. the third part of the roll for the 11th year, *an.* 1635, has been lost or mislaid for many years. From 1644 to 1655 there is a chasm very obviously to be accounted for.

"Cromwell's rolls commence in 1655; from which time, or from the Restoration, with the exception of the interregnum of James II. the Patent rolls are all preserved in a regular series."—*Liber Munerum*, Vol. i, p. 2.

7th, 15th, 16th, 21st, 22nd only.

"Of Henry VII., who reigned twenty three years, the Patent Rolls for the first nine years are missing; also for the 11th, 12th, 13th, 16th, 18th, 19th, 20th, 22nd, 23rd, in all for eighteen years; more than three-fourths of the reign.

"Of Henry VIII., who reigned thirty-seven years, the Patent Rolls for twenty years are missing, viz., for the first four years, for fifteen years between the sixth and twenty-second of the reign, and also for the twenty-sixth year.

"After this, the Patent Rolls are preserved in almost a regular series, with the following exceptions: *of the reign of Elizabeth there is no Patent Roll of the fifteenth year*; of Charles I., the third part of the Roll for the tenth year, 1635, has been lost or mislaid for many years. From 1644 to 1655, there is a chasm very obviously accounted for.

"Cromwell's Rolls commence in 1655, from which time, or from the restoration, with the exception of a portion of the reign of James II., the Patent Rolls are preserved in a regular series."—*Calendar*, Vol. ii, pp. vi-vii.

The work from which the foregoing extensive unacknowledged appropriation has been made is censured in the Preface to the "Calendar" (Vol. i, p. xxvi) as defective, irregular, and unmethodical in its arrangement. Mr. Lascelles might thus well sympathise with poor John Dennis, who on hearing the new stage thunder, which he had invented for his own luckless play, used to promote the success of a rival drama, arose in the pit and exclaimed with an oath—"See how these fellows use me; they will not let my play run, and yet they steal my thunder!"

We are above assured that the Patent Roll of the fifteenth year of Elizabeth, is the only one deficient in the reign of that Queen; yet the first Volume of the "Calendar" (p. 554) avers that the Patent Roll of her seventeenth year "*is not now to be found.*" Further to perplex us, the passage italicised at p. 35, from the second Volume of the "Calendar" is entirely contradicted at p. 551, of the first Volume, where we read that the Patent Roll of the fifteenth of Elizabeth *is still extant*, and find there enumerated sixteen articles stated to be extracted from this document, which, in the foregoing quotation is declared not to be in existence!

I may here observe that Lascelles, when enumerating the Patent Rolls of Ireland, was not aware that there were extant, in the Westminster Chapter House, four rolls containing certified transcripts of all the Irish Letters Patent of a certain class, from the Coronation of Henry V. to the twelfth year of Henry VI: "Transcripta omnium Litterarum Patentium Debitorum et Compotorum ac Annuitatum, sub testimonio Locatenentium Hiberniæ, aut Justiciariorum, tempore Regis Henrici quinti, et ab anno primo ad annum duodecimum Regis Henrici sexti." These rolls, consisting of the original writ of Henry VI., under the Privy Seal A.D. 1434, with the returns made to it by "Thomas Straunge, miles, Thesaurarius Domini

Regis terræ suæ Hiberniæ, et Barones de Scaccario Hiberniæ," preeminently deserved notice in any detailed account of the Patent Rolls of Ireland, but as they were unknown to the writers whose labours have been appropriated in the "Prefaces" we look in vain for any reference to them in the Calendars before us.

Of the other writers laid under heavy contribution to fill the pages of the Prefaces may be mentioned Walter Harris and the late John Caillard Erck. From p. 148-9 of "Harris' Hibernica," Dublin, 1747, have been transferred verbatim the apparently *original* accounts of Irish writers, rolls and records, at pp. vii. xi. xii., and xiii. of the first volume of the Calendar. The following will suffice to exemplify the extent to which the "Calendars" are indebted to Erck's "Repertory of the Inrolments on the Patent Rolls of Chancery in Ireland, commencing with the reign of James I," Dublin: 1846:

ERCK, A.D. 1846.

"Amid the vast heap of records and muniments which is to be found in the public archives of the country, none justly stand in higher estimation, than the Patent Rolls of Chancery; whether considered, in respect to the antiquity, utility, or variety of the documents with which they abound. To give effect to the royal pleasure, when signified under the sign manual or by Privy signet, in favour of any individual, or body politic or corporate—letters patent, specifying the inducement, and defining the nature, extent and tenure of the grant, with the conditions and penalties annexed,

CALENDAR, A.D. 1861.

"Amid the vast accumulation of records and muniments which is to be found in the archives of this country, none justly stand in higher estimation than the Patent Rolls of Chancery, whether considered in respect to the antiquity, utility, or variety of the documents with which they abound. To give effect to the royal pleasure, when signified under the sign manual, or by Privy signet, in favour of any individual or body politic or corporate, letters patent, specifying the inducement, and defining the nature, extent, and tenure of the grant, with the conditions and penalties annexed, were di-

were directed to issue under the great seal of the kingdom.

"The inrolment of these instruments was not required by law, until the statute of Charles rendered it imperative—yet in times, antecedent thereto, it was no unusual thing to insert, in the patent, a clause nullifying the grant, unless inrolled within a given time—and, even in the absence of such provision, the Patentees themselves had recourse, in most instances to this precaution, for their own security, and to avoid the inconvenience, if not loss, resulting from neglect; for it sometimes occurred, that the King was deceived, in granting to one subject, what had been previously passed away from the crown, in favour of another—no record existing of the previous grant.

"This class of records, although commencing with a roll of the tenth year of King Edward the first, contains grants made by King Henry the second,—by John, as well when Earl of Morton, as when king—by King Henry the third—and King Edward, the first. With the exception of the reigns of the first three Edwards, in which many chasms exist, the series of the Patent Rolls forms almost one continuous and unbroken chain down to the present time, with an hiatus here and there; covering a period of time which of itself speaks the

rected to issue under the great seal of the kingdom."

"The enrolment of these instruments was not required by law until the Statute of Charles rendered it imperative; yet, in times antecedent thereto, it was no unusual thing to insert in the Patent, a clause nullifying the grant, unless enrolled within a given time; and even in the absence of such provision, the Patentees themselves had recourse, in most instances, to this precaution, for their own security, and to avoid the inconvenience, if not loss, resulting from neglect; for it sometimes occurred that the king was deceived in granting to one subject what had been previously passed away from the Crown in favour of another, no record existing of the previous grant.

"The Patent Rolls, although commencing with a Roll of the tenth year of King Edward I., contain grants made by King Henry II., by John, as well when Earl of Morton as when king; by King Henry III. and King Edward I. With the exception of the reigns of the first three Edwards, in which some chasms exist, and a chasm in the reign of Henry VIII., during the first twenty years of whose reign there is but one Roll (of the sixth) remaining, the series forms almost one continuous and unbroken chain down to the

antiquity of these documents— and, as regards the utility and variety of them, whether the labours of the antiquarian, the objects of the historian, the pursuits of the legal practitioner, or the purposes of general inquiry, are to be served; these may be best explained, by enumerating the character of the documents which are of most frequent recurrence.

“To explore these stores of information, and unfold their contents, is the object, as far as it extends, of the present work.”—*Repertory of the Inrolments on the Patent Rolls*, (1846,) pages iii.-v.

present time.....Those records cover a period of time which, of itself, speaks their antiquity; and, as regards the utility and variety of them, whether the labours of the antiquary, the objects of the historian, the pursuits of the legal practitioner, or the purposes of general inquiry are to be served; they may be best explained by the enumeration of the character of the documents which have been previously detailed.

“To explore these stores of information and unfold their contents is the object, as far as it extends, of the present work.”—*Calendar*, Vol. i. p. xxxvii-iii.

Erck hoped that the publication of the “Repertory,” on which he bestowed much time and care might demonstrate the importance of completing the works begun by the Irish Record Commission, and induce Government to take the matter in hand. Death, however, carried him off before the issue of the second part of the “Repertory,” and the results of his painful labours are here appropriated and given to the world as if he had never existed:

“No more the dupe of hopes or schemes,
He sleeps now where the thistles blow,—
Sad anti-climax to his dreams,
Twenty golden years ago!”

The foregoing constitute but a small portion of the specimens which might be given of the vast extent of unscrupulous plagiarisms with which these Prefaces abound—extending even to reprinting as original matter (Vol. i, p. xxv.) the *advertisement* of the “Liber Mune-

rum," and (Vol. i, p. xii.) Messrs. Longmans' *prospectus* of the "Chronicles and Memorials of Great Britain," together with whole passages from the Introduction to the edition of the "Book of Common Prayer" published in 1849, by the Ecclesiastical History Society. Perhaps the most ludicrous portions of the Prefaces are those (Vol. ii. pp. xii. to xvi.) professing to treat of manuscripts in the Gaelic language—quite out of place in such a work—and mainly transferred, but with the addition of various typographical errors, from Irish Archæological Journals, and from the Lectures of the late Professor O'Curry, 8vo., Dublin: 1861; pp. 646-647.

The following illustrations of the originality of the penultimate passages of the "Prefaces" could not be omitted without injustice to the boldness of the appropriations:

TRESHAM, A. D. 1826.

"The very decayed state of many of these ancient Rolls has interposed difficulties in the execution of the work, but corresponding exertion has been made, as it was thought desirable to rescue as much as possible of these our earliest Records from oblivion.—Si successus sæpe, labor certe nunquam, defuit,—EDWARD TRESHAM." *Rotulorum Patentium et Clausorum Cancellariæ Hiberniæ Calendarium*, 1828, Vol. i. par. i, p. xi.

LASCELLES, A. D. 1830.

"Upon the whole I have endeavoured to establish a storehouse of facts and documents for the use of the statesman, the lawyer, the churchman, the

CALENDAR, A. D. 1861.

"The decayed state of many of these rolls interposed difficulties in the execution of the work, but corresponding exertion has been made, as it was thought desirable to rescue as much as possible of these *our* early records from oblivion—Si successus sæpe, labor certe nunquam deficit." [*sic*]—Vol. i, p. xlii.

CALENDAR, A. D. 1862.

"The information afforded by these records is no less varied than important. They serve as a storehouse of facts and documents for the use of the states-

peer and commoner, the antiquary, as well as the ordinary man of business. Nor will it be found, I trust, unworthy the regard of the philosophical scholar and historian."—*Liber Munerum Publicorum Hiberniæ*, Vol. i, Introduction, p. 3.

man, the lawyer and the antiquary; nor will they be found, I trust, unworthy the regard of the scholar and the historian."—Vol. ii. *Preface*, p. lxxviii.

The ensuing adaptation of Erck's dedication of his "Repertory" to Viscount Morpeth, will be seen to have no claim to originality beyond the elimination of the name of that nobleman, now Earl of Carlisle, and Lord Lieutenant of Ireland:

ERCK, 1846.

"The work, which was conceived and commenced during *your Lordship's* administration of Irish affairs, has for its object to rescue some part of the most important of our national muniments from the comparative oblivion and obscurity, which, by reason of the difficulty of access, the labour of research, and the expense of official *constats*, they now lie involved—and, whatever light it may throw on our public records, in directing either the pursuits of the historian, the antiquarian, or of the legal practitioners, *it is to your Lordship* [Morpeth] they must feel themselves principally indebted for the encouragement afforded, and the facility of access accorded to me, in extricating and evolving their contents from the rubbish of technical phrases, wordy

CALENDAR, 1861.

"This work, therefore, undertaken by *their Lordships'* [of the Treasury] authority, under the direction of the Master of the Rolls, has for its object to rescue some parts of the most important of our national muniments from the comparative oblivion and obscurity in which, by reason of the difficulty of access and the labour of research, they now lie involved; to facilitate the researches of persons engaged in historical investigation and enquiry, and whatever light it may throw on our public records, in directing either the pursuits of the historian, the antiquary, or of the legal practitioner, *it is to the Government* they must feel themselves indebted for the encouragement afforded in extricating and evolving their contents from tech-

parentheses, and the legal forms of diction."—*A Repertory of the Inrolments on the Patent Rolls of Chancery in Ireland.* 1846. p. i. nical phrases; wordy parentheses and legal forms of diction."—*Calendar, Vol. i.* p. xliii.

It would be difficult to adopt any order in noticing the slender thread of original matter with which the pieces from various works have been strung together in these "Prefaces," without regard to sequence, digestion, or arrangement:

"But so transfus'd, as oil and water flow,
They always float above—this sinks below."

To detail fully the numerous and complicated errors with which even those few original lines abound would occupy a very large amount of space, I shall therefore merely adduce some specimens which admit of analyzation within a reasonable compass.

The "Down Survey" of Ireland made A.D. 1654-8, was according to the "Calendar" (ii, xvi.) carried to France by James the second (1690) and never returned; yet in the Preface to Vol. i. (xviii.) numbers of its volumes are stated to have been destroyed by fire at Dublin in 1711! The truth is, that the famous mapped Survey, on which are grounded the titles of half the Irish land-owners, was never removed from Ireland, and is now preserved in the Dublin Custom House.

At page ix. of Vol. ii. we read—

"The original of Vallancey's Green Book, compiled by authority of the late Irish Record Commissioners, is now in my library."

The amount of errors here aggregated will be seen when it is mentioned that Vallancey compiled the "Green Book" for his own use, before the end of the last century, many years previous to the formation, in 1810, of the Record Commission, by which it was purchased in 1813, after the

compiler's decease, as appears from the following entry in their Report of that year :

" A book known by the name of Vallancey's Green Book, or Irish Historical Library, purchased by the Secretary, at the instance of Government, and with the approbation of the Board, was laid on the table : whereupon the Board ordered, that the Secretary [W. S. Mason] should take charge of the said Manuscript Book, and make an entry of same in the Catalogue of the MSS. &c., belonging to the Board."—*Report of Commissioners on the Public Records of Ireland*, 1810-15, p. 485.

The original Manuscript book here referred to, bearing the autograph of Vallancey, and the official attestation of William S. Mason, has for many years been the property of the Royal Irish Academy, in whose Library, at Dublin, it may be seen.

At page ix. of Vol. ii. the compiler of the Preface claims the discovery in London, " of a valuable collection of Irish MSS. stowed away in sacks, labelled ' Baga Hiberniæ,' the contents of which," he observes, " were previously, I believe, unknown. I there found," he adds, " among other interesting original letters, one from ' Silken Thomas,' whilst a prisoner in the Tower, directed to his servant Brian," &c.

The document here referred to as "*discovered*" was printed in 1834, at p. 402 of the third part of the second volume of State Papers, under the authority of His Majesty's Commission, and specially noted there as preserved in " Bag Ireland," in the Chapter House. It will also be found in Moore's History of Ireland, (1840,) Vol. iii, p. 272, and in Lord Kildare's work on the " Earls of Kildare," (1858,) pp. 175-6. The same State Papers, (ib. p. 169) show that the raid of the O'Byrnes upon Dublin occurred in 1533—not at the period of 1475 as stated in the Calendar, (Vol. ii., p. xxiv.) The original establishment of an University in Ireland is assigned (Vol.

ii. p. lxi) to the reign of Edward III. instead of to that of Edward II. Dr. Boate, who died in 1649 is said (ii. xxxiv.) to have written a work in 1652! Three persons, we are assured, (ii. lxx.) were burned for witchcraft in the early part of the fourteenth century at Kilkenny, although the local contemporary chroniclers specially mention that but *one* suffered at the stake. Sir Roland Fitz Eustace, Baron of Portlester, is divided into two personages, and spoken of at p. xxvii. of vol. ii. as "Lord Portlester and Sir Rowland Eustace!" Devereux is given the title of "Earl of Ulster" (ii. lxiv.) which he never before received. The submission of Shane O'Neill, who died in 1567, is placed (ii. lxxiv.) under the year 1602. Sir Cenyers Clifford is named *Clifton* (ii. lxvii.); but perhaps the most curious and novel piece of information in connection with the legal history of Ireland is the statement at p. xv. of Vol. i. that in the Reign of Henry VIII. the Law Courts of Dublin were held "*in the Castle wall!*"

The mode in which the few acknowledged quotations are referred to may be judged from the following citations for statements occupying a page (ii. xlii.) in double columns of the smallest type:

"'Notes and Queries.'—Hist. England, Vol. II. p. 65."

A specific assertion at p. viii. of Vol. ii. that the Librarian at Armagh is "bound by oath to exclude every one of the public from the valuable documents" in his custody, is utterly incorrect, as may be seen by referring to the Irish Statute of 13-14 Geo. III. cap. 40, section iv.

The charge of illiberality insinuated (at page xvi. of the second volume) against the custodians of the Library of Trinity College, Dublin, will be repudiated with indignation, as both unfounded and unjustifiable, by every respectable scholar, conversant with the institution, or with the

services rendered by its learned Librarian, the Rev. J. H. Todd, to solid Irish historic literature.

Passing over innumerable errors on historic and literary points in the Prefaces, I shall turn to those portions which refer to records relative to which one might naturally expect to find here precise and reliable information. At page li. of Vol. ii. we read :

“It is certain that the Statutes, whether printed or unedited, do not go higher than the early part of Edward II.” (1307-1327.)

The inaccuracy of this will be seen when I mention that a Statute passed in Ireland, A.D. 1268-9 is preserved on the Plea Roll of the fifty-third year of Henry III. (No. 5.-277;) even a preceding page of the same volume of the present Calendar (ii, p. xix.) refers to an Act or ordinance of a Parliament held in Ireland A.D. 1295. This grave incorrectness on so important a point as the age of the surviving Statutes of Ireland, furnishes a portentous commentary on the statement made by the compiler of these Prefaces at p. 139 of the Chancery Commissioners' Report, already quoted, that he “has had for a long time in contemplation the printing of our unpublished Statutes,” and which perhaps may now be passing through the press, at the public expense, as companion volumes to the “Calendars!”

I shall next point out a series of errors relative to the “*Fiants*” so called from their preamble, which was as follows: “*Fiant Literæ Patentis Domini Regis, in debita formâ, tenore verborum sequentium.*” These documents, which the “Calendars” incorrectly designate “*Fiats*,” are noticed as follows, at p. iii. of the second volume :

“From the beginning of the reign of Henry the Eighth to the end of the reign of Elizabeth, 6,625 Royal Fiats or Warrants reached the Rolls' Office for enrolment and preservation. Very few of those were then, or at all, as they should have been, copied on the Roll; and they remain to this day uncalendared, and to the public

almost wholly unknown, a monument of the indisposition which has hitherto prevailed to bring to modern light the contents of our precious archives. I trust the time will arrive when a favourable opportunity and other propitious circumstances will enable me to unfold their invaluable contents to the public, and to remove the reproach arising from their comparative oblivion."

This account of the condition of the "Fiants," although emanating from their official and paid custodians, is wholly incorrect, as Calendars of them from the reign of Henry VIII. were prepared, at public expense, more than thirty years ago, with much care and labour.*

Another allegation in the above passage indicates igno-

* In the tabular digest of the Sub-Commissioners' returns to the Committee of observation, made pursuant to orders of the Irish Record Commission dated 17th March, 1817, and 19th May, 1819, the following entries appear under the head of "Actual result and present state of the works," "Arrangement of Fiants from 21st Hen. VIII. to the present period, into reigns completed." "Catalogue to Fiants, formed as far as 16th James I." (p. 49.)

The detailed Report, dated 24th December, 1829, of "Works in progress by the Irish Record Commission," signed "William Shaw Mason, Sec. Com. Pub. Rec." states (p. 2) "that the comparison of the un-enrolled Fiants with the Repertory thereof has been made, and the Repertory itself completed; adding that "a fair transcript thereof for depositing in the Rolls' Offices is in progress, with an index of persons." The Report of 1829 further mentions the completion of the collation of the Repertory with 120 files, consisting of 7440 Fiants of Edward VI, Elizabeth, and James I; that 502 pages were fairly transcribed, 460 pages executed of indices of persons and places, and that the files of unenrolled Fiants of Henry VIII. and Elizabeth were arranged and labelled.—*Notes of Proceedings of Irish Record Commissioners, 25th March. 1829, page 24.*

The Report of these Commissioners for 1830 further records the collation and completion of their Repertory with 68 files, consisting of 2042 unenrolled Fiants of the reign of James I.; also that the assortment of the Fiants of the preceding reigns, up to Henry VIII. inclusive had been perfected.

rance even of the precise nature of the documents styled "Fiants," now lying obscurely in the Rolls' Office, Dublin.

"Fiants," I may observe, were instruments under the royal, or occasionally the vice-regal, hand, on the model of which were prepared Letters Patent from the Crown under the great seal. The Patents and "Fiants" were thus duplicate instruments; the "Fiants" were not intended to be engrossed on the Patent Rolls, but to be "entered of record" in books, a distinct and less solemn, yet secure evidence. Letters Patent were handed to those to whom they had been granted, but the "Fiants" were retained in the office, and on proof of the loss of a patent, patent roll, or enrolment in the Exchequer, an original Fiant was admitted in evidence as a record of the highest authority.

To exemplify the multitudinous errors, unfounded assertions, and misleading conclusions which pervade this work, I shall analyze the statements in these Calendars relative to the declaratory act passed in the Parliament of Ireland in the tenth year of Henry VII, A.D. 1495. On this subject the first passage is as follows:

"In the reign of Henry VII., Ireland was a scene of tumult and violence. At this period, in the town of Trim, in a strong castle, the records of the country, for security, were deposited. They were seized on by O'Neill, and *utterly destroyed*; and thus the documents serving for evidence to constitute the title of the Crown to property perished."—*Calendar, Vol. i, p. xiii.*

A few lines further down (p. xiv.) we are assured that, on this occasion, "it was a mere chance that suffered a few, such as the Patent, Plea, Close, Statute, and Memoranda Rolls to escape."

There is no evidence that any documents were deposited in the Treasury of Trim at this period, except those specially referred to in the Statute of 10 Henry VII, cap. 15, as

connected with the King's titles to the Earldoms of March and Ulster, and the Lordships of Trim and Connaught. This Statute does not ascribe the destruction of these records to O'Neill, but, on the contrary, avers that they were "taken and embesilled by divers persons of malice prepense." Had they been "utterly destroyed" by O'Neill the Parliamentary Lawyers of Henry VII. in Ireland, would not have ordered, as appears from the same Statute, proclamation to be made that "whatsoever person have any of the said Rolls, Records, or Inquisitions or knoweth where they be, and do not deliver them, or show where they be to our Sovereigne Lord's Counsaile, within the said land within two months, next after the said Proclamation, that then they and every of them, that shall so offend this present Act, be deemed felons attainted."*

Any observations on the law of property or title, put forward under special judicial approval, might naturally be regarded as meriting attention; yet it is difficult to comprehend the object of the following passages on the Statute of the 10th year of Henry VII. declaratory of the Crown's title to lands, the records of which had been embezzled, as above mentioned:

"This Statute is a Parliamentary assertion of the rights of the Crown; it sets forth that the records were stolen from Trim, and destroyed, and provides a remedy therefor; but *what provision was made for those holding immediately from the Crown by Patent? who, in the absence of those records, could prove a title to his ancestral possessions?*"—*Calendar, Vol. i., page xiv.*

These interrogatories might be construed into implying that the Crown, after the embezzlement of the Records, intended to violate private rights by seizing on the lands referred to, through the authority of Parliamentary

* Statutes passed in Ireland Vol. I. (1786) p. 52.

investiture, with the collusion of the Lords and Commons of Ireland. Such a view, however, cannot be supported, I believe, by the production of even one instance of a subject holding under the Crown of England, having been dispossessed by virtue of this act. The irrelevancy of the above italicized queries in the Calendar will be apparent, when it is remembered that each landholder retained his own evidences; and that both Common and Statute law required the King's title to be of record under the great seal. To substitute such title, purloined from the Treasury of Trim, the declaratory act referred to was passed, which, analogous to the long subsequent Acts of Settlement and Explanation, constituted the Crown a trustee for every individual having interests within a defined territory, thus eminently securing its subjects instead of disturbing them, as the above cited passage in the Calendar would insinuate.

"Was this the cause, two centuries later, of Lord Strafford issuing that famous 'Commission for Defective Titles,' by which every proprietor in the West was dispossessed, unless he could show, in writing, a clear, indisputable, indefeasible title from the Crown? But how few records remained will be found in the fact, that when the same Lord Strafford sought to find the title of his patron, Charles the First, to the entire province of Connaught, upon an inquiry held at Galway, he produced in evidence this Statute of 10th Henry VII. to show the loss of the records, and to maintain the title of the Crown in their absence."—*Calendar*, Vol. i, xiv.

The inaccuracies here on a comparatively modern period, are nearly equal in number with the lines. "Two centuries later" than 1495 would have been 1695, sixty years subsequent to 1635, the time intended to be indicated. The *cause* of the Commission for "Defective Titles" was not the loss of records but the expectation of augmenting the King's revenue, and of effecting a new "Plantation."

The Commission was issued by Charles I, *not* by Lord Strafford, a peer not then in existence ; nor did the proceeding embrace the "entire province of Connaught." Proprietors who could not produce records were *not* "dispossessed," but permitted to remedy defective titles, having been publicly assured that it was the King's resolution to "question no man's Patent, that had been granted formerly upon good considerations, and was of itself valid in law," and that "his great seal was his public faith and should be kept sacred in all things." The title of the Crown to portions of Connaught was *not* first found on an "inquiry held at Galway," but by the Jury of Roscommon in 1635. The King's title was *not* maintained on this occasion by the production of the Statute of 10, Henry VII, in the "absence of records," but by exemplifications of muniments from the Tower of London, sent over under the great seal by the famous Coke, and by sundry records in the Irish Exchequer, as may be seen from the "Brief of His Majesty's title," in this matter, A.D. 1635. The statement that then but "few records remained," is disproved by the following observations in a letter from the Lord Deputy of Ireland to Coke in 1634, on this subject :

"Few days pass us upon the commission of defective titles, but that some patent or other starts which not any of his Majesty's Officers on this side knew of before. So that we can judge of nothing upon any sure ground till the party be heard."

Having thus, to a limited extent, exhibited the character of the "Prefaces," I shall next proceed to consider the value of the illustrative notes and commentaries to be found in the body of the Calendars.

The important manuscript known as "Crede Mihi" is said in a note at page 28 of the second volume of the Calendar to be "preserved in Marsh's Library," whereas

this exquisitely written little tome is a part of the muniments of the See of Dublin, and, as such, now in the custody of Archbishop Whately.

The following incomprehensible note appears at page 211 of vol. 2, as a commentary on the word "onions" in the text:

"Soap or tallow."

A territory styled "Briffium," never before heard of, is mentioned at page 93 of the same volume; and further on (477) we find the following strange names appended to a Government document of 1586:

"Jo Armaham. O'Gormanston. O'Delvim."

No such signatures are to be found on the original which, however, contains the autographs of Joannes Armacanus, John Long, Archbishop of Armagh; Christopher Preston, first Viscount Gormanstown, and Christopher Nugent, ninth baron of Delvin, whose names have been deciphered into the above forms.

A full examination of the expositions given in these Calendars of obsolete English law terms would require one, in the words of an old epigrammatist, to

"tell of Fourching, Vouchers, and Counterpleas,
Of Withernams, Essoins, and Champarty."

A single specimen will suffice to illustrate the errors on these points, without entering further into Dry-as-dustian legal commentaries:

"Meskenningham—an unjust citation into court."

Calendar, Vol. i, p. 425.

The term "Miskenningham," which will be found in the charters of the City of London from Henry I. and Henry III. signified the fine paid for changing or amending a plea or count: the word *Miskenning* means literally mis-

counting or mis-pleading, for liberty to rectify which was paid the fine styled Miskenningham.*

The etymological portions of the Commentaries are perhaps the most note-worthy; they assure us that the term "Dycker" of hides, commonly used by butchers and tanners, is derived from *dekas*, the latter, according to the Calendar, (vol. ii, p. 179.) being the Greek numeral for ten!

"Coshery," the composition paid of old in Ireland for exemption from supplying victuals to a chieftain and his followers, is lucidly explained as follows:—

"*Cois-a-re*, cess or rent, for the King, received by receiving him in coshery."—*Calendar*, Vol. i, p. 45.

Further indisputable evidence of erudition appears in the following:

"Tanistry seems to be derived from *Thanis*, and is a law or custom in some parts of Ireland."—*Calendar*, Vol. ii, p. 260.

Every Irish scholar knows that the English word Tanistry is derived from the Gaelic *Tanaistecht* meaning successorship; the eldest son of a chief in ancient Ireland being usually recognised as his presumptive heir and successor, was styled in Gaelic *Tanaiste*, that is minor or second. Tanistry was declared illegal in the first years of the seventeenth century, and its existence in Ireland at the present day, as stated in the above extract from the Calendars, is a novel and startling piece of intelligence, which no doubt, will receive due attention from Her Majesty's Law Officers.

* Among a series of depositions of witnesses at Waterford in 1587, relative to a marriage, we read the following passage in the second volume of the Calendar:

* *Privilegia Londini*, 8vo. London: 1723, p. 36; *Liber Albus*, translated by H. T. Riley, 1861, p. 115.

"Margaret O'Brenagh of Killaspuck, in the county of Kilkenny, widow, states she saw her aunte, Helene Brenagh, wife of Richard Toben, come to witness's house, after the marriage, to ask help of her husband, Piers Brenagh, to be given to M'Thomas with her daughter, who gave her then a colp."—*Vol. ii, p. 508.*

Colp is the ordinary Gaelic word used in Munster to designate the number of sheep which can graze on a certain extent of pasturage. Nothing is more common in the South of Ireland, than for Gaelic speaking farmers, under circumstances similar to those above mentioned, to arrange how many *colps* shall be the marriage portions of their children. A note, however, on the above passage in the Calendar avers, as follows, that *Colp* means a wax-candle!—

"Colp, Colpo.—A small wax candle, a copo de cere. We read in *Hovenden* [Hoveden] that when the King of Scots came to the English Court, as long as he stayed there he had every day, de liberatione triginta sol' et *duodecum* [duodecim] *vassellos* [Wastellos] dominicos, et *quandraginta* [quadragesima] grossos longos Colpones de dominica candela Regis."—*Vol. ii, p. 508.*

The above note has been appropriated, without acknowledgment from Du Cange, but with the inaccuracies here italicised,—the correct words being those in brackets. The entire passage, compressed by Du Cange, will be found at page 738 of Savile's edition of Hoveden (Frankfort, 1601) where that writer describes the reception of William King of Scotland, by Richard Cœur de Lion in 1194, the arrangements on which occasion are here cited in the Calendar to illustrate the internal economy of an Irish farm-house four centuries later; and to show that a wax candle—"coupon de cire"—was given as a marriage portion by Pierce Brenagh of Killaspuck in the County of Kilkenny!

The climax, however, appears to have been attained at

page 273 of the second volume, where we encounter the following explanation of the name "Cahernamarte:"

"Cahernemort. The City of the Dead: hodie Westport."

One might here exclaim, as Pantagruel did to the Limosin pedant who professed "escorier la cuticule de la vernacule Gallicque." "Que dyable de language est cecy? je croy que il nous forge icy quelque language diabolique; il veult contrefaire la langue des Parisians; mais il ne faict que escorcher le latin!"* The full value of the above etymology will be appreciated after a perusal of the following lines published many years ago, by the most learned of Gaelic scholars and topographers:

"*Cathair-na-Mart*, i. e. the stone fort of the beeves. This was the name of an ancient stone fort of a circular form, and also of a castle built by O'Malley on the margin of the bay of Westport. The town of Westport is still always called *Cathair na mart* in Irish by the people of Connaught and Munster. The stones of the ancient *Cathair* [or fort] were removed some years since, but its site is still pointed out by the natives within the Marquis of Sligo's demesne."—*Annals of the Kingdom of Ireland*, by John O'Donovan, M.R.I.A., vol. iii, p. 1803. Dublin: 1848.

The word *Mart*, on which the Calendars have raised an imaginary Nekropolis, is, it may be observed, the common Gaelic term for beeves or kine, and of ordinary occurrence in old Irish documents. The first entry in the Irish list of the annual tribute paid in ancient times by the people of Munster to their King is—"Tri cèat mart a Muscraidhi"—three hundred beeves from the men of Muskerry. In the sixteenth century the word had become Anglicised

* "Comment Pantagruel rencontra ung Limosin qui contrefaisoyt le language François. Pantagruel, liure ii., chap. vi. Œuvres de Rabelais, Paris: 1837, p. 74.

Marte, and deeds of that period abound with references to "fatte martes."

In the compositions of the English Government with the native Irish Chiefs, in the reign of Henry VIII., we frequently find such entries as the following, in the agreement in 1544 between the King and O'Donell, preserved in the Lambeth Library: "Dominus O'Donell, in signum amoris et benevolentiae, ad sui Regis Christianissimi, aut ejus Deputati in Hibernia, coquinam, singulis annis, centum boves sive *martas*, more suae patriae, pollicetur ac promittit;" and in a covenant made by the English Government with the head of the Clan O'Reilly in 1558, the latter bound himself to observe all the stipulations, under a penalty of one thousand *martes*, in the following terms: "ac si deliquerit in aliquo premissorum solvet Dominæ Reginæ mille *martas*," Hibernicè *mile mart.*]

We may well conceive the admiration with which conscientiously laborious investigators must regard a system which, under legal patronage, and at the Nation's expense, can pronounce the ancient Celtic law of Tausistry to be still in operation in Ireland;—by a single line change a flock of sheep into a wax candle, and transmute a common-place stone bullock-pen, into a "City of the dead;" in the words of the "Dunciad:"

"— all flesh is nothing in his sight;
Beeves, at his touch, at once to jelly turn,
 And the huge boar is shrunk into an urn."

Reasonable limits preclude the devotion of further space to the Prefaces and annotations, and we now come to the consideration of the body of the work itself, purporting to be a "Calendar of the Patent and Close Rolls of Henry VIII., Edward VI., Mary, and Elizabeth." Here naturally, at first arises the question as to the language in

which were written the original documents thus calendared or catalogued. On this important point the only information given us is to be found in the following lines, some of which will be perceived to coincide remarkably with the language used by Mr. Erck in the Preface to his "Repertory," published in 1846, as already noticed:

CALENDAR, A.D. 1861.

"It [the first volume of the Calendars] purports to contain an abstract of every instrument on the Rolls; *condensed and translated into English*; all abbreviations and contractions have been rejected; all technical phraseology discarded. The purport of each document has been minutely and accurately analyzed; *the substance of every important clause and provision extracted, and the names of every person and place in each accurately specified*, with a view of rendering accessible to the public the original MSS., obscured as they now are in *obsolete languages and modes of expression*; written in antiquated and nearly unknown character, obscure and frequently illegible, *rendered more embarrassing by abbreviations, which frequently leave the number, gender, or tense of a word difficult of ascertainment*; and which might, if not in time rescued from oblivion, ultimately share the fate of the memorials of Babylon or Nineveh, and like the Rosetta stone, depend for interpretation upon the chance

ERCK, A.D. 1846.

"The plan of the first part of the work, now submitted to the public, purports to contain a full abstract of every instrument on the roll—all the articles have been translated into English—all abbreviations and contractions of words, rejected—all technical phraseology discarded—and nothing, but the subject matter of the grant, retained; showing the inducement, nature of the donation, tenure, conditions, and penalties annexed if any."—*A Repertory of the Inrolments on the Patent Rolls of Chancery in Ireland, commencing with the reign of King James I.; edited by J. C. Erck, L. L. D. Vol. i., part i. Dublin: 1846, p. vi.*

discovery of some ingenious student."—*Vol. i. p. xliii.*

The following passage on the same subject is not the only one in these Calendars taken verbatim from Mr. Robert Lemon's Preface to the "State Papers," published under authority of his Majesty's Commission, London: 1830:

CALENDAR, A.D. 1862.

"I have ventured to *preserve the ancient orthography, but to reject the abbreviations* which abound in the letters of many of the writers of the period—a period when not only orthography was so unsettled, but grammatical rules were violated in the holograph letters of the most eminent, and of those who affected the greatest learning, it is often impossible to discriminate between the design and the error of the clerk. To *translate and condense* those mouldering memorials of a by-gone age, accumulated during centuries, when time and accident have in many instances rendered them almost illegible, has been my arduous task."—*Vol. ii. p. lxxix.*

R. LEMON, A.D. 1830.

"It was determined to preserve the ancient orthography, but to reject the abbreviations which abound in the letters of many of the writers of the period."....."At a period when not only orthography was so unsettled, but the plainest grammatical rules were perpetually violated, even in the holograph letters of the most eminent men, and of those who affected the greatest scholarship, it is often impossible to discriminate between the design and the error of the clerk."—*State Papers, Vol. i, part 1., Preface, p. xxii.*

The instruments on the Rolls are above stated to have been condensed and *translated into* English in these Calendars, and reference is made to the obscurities of the number, gender, and tenses of words. The passage quoted from the second volume states that the ancient orthography has been preserved, and also mentions the

translation and condensation of those materials. We may thus divine for ourselves whether the abstracts have been made from Latin, French, or Gaelic—"obscure in number, gender, and tense"—but how, in these *translations* from "obsolete languages" into English, the ancient orthography, as above stated, has been preserved, must, in the words of the Preface, be left to the "chance discovery of some ingenious student." The same mythical personage may perhaps also discover the object proposed to be attained in prefixing to these volumes, three large coloured fac-similes of documents, without indicating either where the originals are preserved, or why they were specially selected for engraving.

It may, however, without undue temerity be averred, that there can be but one opinion among scholars as to the value and accuracy of translations of records emanating from a source which publicly declares that a stone bullock-pen in Irish, signifies in English "a city of the dead."

Before proceeding further I shall give a short explanation of the documents styled "Patent Rolls" and "Close Rolls" with which ordinary readers could scarcely be expected to be conversant, when the following passage from the preface to the Calendars evinces unmistakable ignorance on these subjects :

"The Patent Rolls (patentes) were those open grants from the Crown, for they were open to the inspection of all, and so called patent. The Close Rolls (clauses) were so called, because they contained writs from the Crown, sealed and directed to the officers by whom they were received, and to whom alone they were open ; as also royal letters, obligations, recognizances, deeds."—Vol. i, p. xxxvii.

It may here be stated that the name of Letters Patent—"Literæ Patentæ,"—was applied to charters, deeds or instruments written upon open (patentes) sheets of parch-

ment, bearing pendant at bottom the great seal of the sovereign by whom they were issued, and to all of whose subjects in general they were addressed.

Letters Close—"Literæ clausæ"—were used to convey royal mandates, letters and writs of a less public nature, folded and sealed on the outside, whence the designation of "closed" letters in contradistinction to the open or "patent" letters:—so, under the French monarchy, the king's letters were either "Lettres Patentes" or "Lettres de cachet."

"When," says Hunter, "the practice arose in the reign of John, of enrolling copies of those letters for the purpose of preservation and future reference, and perhaps for the further purpose of being a check upon the forgery of instruments of such great importance, they were entered on two distinct Rolls, now called the Patent Rolls and the Close Rolls," or, I may add, "Rotuli Literarum Patentium" and "Rotuli Literarum Clausarum."

It will thus be seen that the above six lines from the Calendars of 1861, descriptive of the documents which form the material of the work contain four grave errors—1. Patent Rolls were not "open grants" but merely the *enrolments* or copies of such grants. 2. Close Rolls were never styled "*clauses*" till so named in these Calendars. 3. Close Rolls did not contain "sealed" writs from the crown, but only abstracts of such documents: indeed, it would be utterly impracticable to *roll* up, as here mentioned, a number of parchments, each bearing an impression in wax of a Great Seal. 4. Close *Letters*, confounded in this Calendar with Close *Rolls*, were not, as above stated, accessible and directed solely to "officers;" but, on the contrary, "Literæ Clausæ," were commonly addressed to any individuals to whom the sovereigns desired to transmit their orders on either public or domestic matters.

The plan adopted in these Calendars of publishing translated abstracts of ancient records has long been exploded as objectionable and unsatisfactory. The frequently used arguments above reproduced in favour of this system have been conclusively disposed of by the highest authorities; and on this point may here be cited the observations of Mr. T. D. Hardy, in his Introduction to his Calendar of the Close Rolls in the Tower of London, a work, to the value and accuracy of which I feel pleasure in bearing testimony, from practical experience. Having correctly observed that actual trial has proved that documents of moderate length can be copied in much less time than would necessarily be occupied in making abstracts of them, an expert writer being able to transcribe very nearly as fast as he can decipher, Mr. Hardy with indisputable authority, adds :

“Whereas for the purpose of abstracting it, he [the writer] must indispensably read the document through, next, he must make himself familiar with its various points and bearings, and then he will have to consider the most concise and explicit way of forming the abstract. Added to all this, there is a difficulty, not so slight as it may appear, in reducing into a more compendious form matter that has already undergone the process of curtailment, and which by re-abridgment would be subjected to the danger of omitting some expression which possibly might alter the purport or embarrass the sense of the whole instrument. In being furnished with a transcript of the documents themselves, the Reader can suffer no disappointment; for it often happens that what is deemed worthless by some, may be held by others to be of the greatest value; nor can he have any anxiety to see the originals, instigated by the possibility of discovering some different reading, or other matter which had escaped the notice and proper attention of the abstracter. So important, indeed, has it been thought for every document to be printed in the most correct manner, that in many instances obliterations of whole sentences have been retained (though marked as effaced in the original) as essential to the meaning, it being impossible without them thoroughly to understand the document in

which they occur, as the scribe appears frequently to have erased words fatal to the sense, forgetting at the moment the structure of the sentence ; and, consequently, unless the effacement or obliteration had been retained, the instrument must have appeared to be incapable of rational construction ; whereas, by exhibiting it to the Reader whole and entire, he is enabled to ascertain its real meaning. For these reasons it has been deemed expedient to give a complete and literal transcript : in short, as close a *fac simile* of the originals as modern types would admit....In no case whatever," says Mr. Hardy, "has the liberty been taken [in my work] of altering or amending a word when wrong from either clerical or grammatical error, such inaccuracies being denoted by an underline, to indicate that such error did not escape attention."

The most conclusive mode of testing the accuracy of the entries in the Calendars would be by collating them with the original Rolls of which they are alleged to be abstracts ; but such a course is precluded by the official intimation quoted at page 6 that the *paid* keepers of these documents "*have not time to attend to*" *historical inquiries*. Relying, however, on independent sources, I shall examine the Calendars in their principal departments—grants of lands and other hereditaments ; of offices ; and of pardons.

In many instances we find merely the name of the individual to whom the grant was made, the particulars of the lands being entirely omitted—leaving such entries almost valueless. The comparatively limited number of grants of lands and hereditaments registered in these volumes demonstrates conclusively that either the Calendars are very incomplete or the Patent Rolls themselves incredibly defective in their contents ; and here we look in vain for various important Irish grants, passed during the reigns of Henry VIII, Edward VI, Mary, and Elizabeth. Of these omissions I annex some specimens, premising that among them is not included any grant passed in a year of which the Patent Roll is alleged to be

not forthcoming ; to each grant is appended the day of the month with the year of the reign, in which it was made, but reasonable limits preclude the addition of the services, rents, and other details, embodied in the instruments :

- 1537 To Pierce Butler, Earl of Ossory and Ormond, and James, Lord Butler, thirty-three Manors, viz., 6 in Kilkenny ; 9 in Tipperary ; 6 in Carlow ; 1 in Wexford ; 1 in Waterford ; 4 in Kildare ; 4 in Dublin, and 2 in Meath ; 3 October, 29, Henry VIII.
- 1542 To Sir A. St. Leger—the possessions of the Monastery of Graine, Co. Carlow ; 4th May, 34 Hen. VIII.
- 1543 To Provost and Burgesses of Clonmel—the Monastery of Friars Minors, Clonmel ; 9 March, 38, Hen. VIII.
- 1544 To Sir E. Butler, Baron of Dunboyne, the Monastery of Fidert Cross, Tipperary ; 16 Jany, 36, Hen. VIII.
- 1549 To John Travers—the manors of Hollywood, Rathmore and others in Leinster ; 13 Nov. 3 Edward VI.
- 1552 To Nicholas Bagnall, Marshal of Ireland, the College of Newry, the lordship of Mourne, the manors of Carlingford and Cowley, in Down and Louth ; 2 April, 6, Edward VI.
- 1555 To Gerald, Earl of Kildare—his ancestral estates in Ireland ; 1 May, 1 and 2, Philip and Mary.
- 1568 To Sir Edward Butler,—the Monastery of Baltinglass ; 24 May, 10, Elizabeth.
- 1568 To Sir Luke Dillon—the moiety of the manor of Castleknock, Co. Dublin ; 20 August, 10 Elizabeth.
- 1569 To Robert Dillon—the possessions of the Priory of St. John, Kilkenny ; 2 March, 11, Elizabeth.
- 1570 To Sir N. White—the manor of Leixlip, Co. Kildare ; 11 June, 12, Elizabeth.
- 1571 To John Whitney—the castle and Lordship of Syan, Queen's Co. ; 1 March, 13, Elizabeth.
- 1574 To Calvatio O'More, the Manor of Ballina, Co. Kildare ; 3 August, 16, Elizabeth.
- 1577 To Sir Cormac Mac Teige, Mac Carty—possessions of the Preceptory of Morne, Co. Cork ; 6 October, 19, Elizabeth.
- 1578 To William O'Carroll—the territory of Ely O'Carroll, King's Co. ; 1 August, 20, Elizabeth.

- 1578 To the Mayor and Bailiffs of Galway—the customs of Galway, and the possessions of the Monastery of Colles Victorix; 21 Sept. 20, Elizabeth.
- 1579 To Christopher Nugent, Baron of Delvin—the possessions of the Priory of Foure, Co. Westmeath; 20 July, 21, Elizabeth.
- 1583 To Gerald, Earl of Kildare—the possessions of the Monastery of Down; 6 December, 26, Elizabeth.
- 1586 To Donald O'Madden—the Lordship of Longford, Co. Galway; 11 June, 28, Elizabeth.
- 1586 To Cuconacht Mac Guire—the whole County of Fermanagh, 17 Jan., 28, Elizabeth.
- 1587 To Con Mac Neill óg John—the Lordship of Castlereagh, Co. Down, at an annual rent of 250 cows to be delivered at Newry; 30 March, 29, Elizabeth.
- 1588 To Sir Henry Harrington—the lands of Kilrothery &c., Co. Wicklow; 26 Nov. 30, Elizabeth.
- 1588 To Hugh Worth—the territory of Kinalmeaky, Co. Cork; 30 Sept. 30, Elizabeth.
- 1588 To Sir George Bouchier—the castle and loch of Loch-gur and 12,880 acres, Co. Limerick; 12 Nov. 30, Elizabeth.
- 1588 To Hugh Cuffe—CastleneKille and lands, Co. Cork; 18 Nov. 30, Elizabeth.
- 1590 To Edward Sutton—possessions of the Priory of Thome, Co. Tipperary; 6 June, 32, Elizabeth.
- 1590 To Ros bán Mac Brian Mac Mahon—chief rents of Bally-lekebally lands, Co. Monaghan; 20 Nov. 33, Elizabeth.
- 1591 To Robert Bostock—the possessions of St. Mary's Abbey, Co. Dublin; 3 March, 33, Elizabeth.
- 1592 To John Lee—the moiety of the Manor of Castleknock, Co. Dublin; 26 March, 34, Elizabeth.
- 1598 To Sir John Proby—the wardship and marriage of Ellen Fagan, daughter and heiress of Thomas Fagan; also the wardship and marriage of Walter Ussher, son and heir of John Ussher, at an annual rent to the Crown of £18 6 0 for the former, and ten shillings for the latter; 18 December, 41, Elizabeth.
- 1599 To Pierce Edmonds—the wardship and marriage of Patrick Scurlock, son and heir of Martin Scurlock, of Rathredin, King's Co. at an annual rent to the Crown of £10 19 6; 21 August, 41, Elizabeth.

The preceding constitute but a very small portion of the grants omitted in the Calendars, although passed under the Great Seal, and embodying information of most important nature to investigators of almost every class. It appears scarcely credible that Patents, passing through the Chancery of Ireland, could have been delivered to their respective grantees without having been enrolled or entered of record ; some of them being of great importance, as that of the whole County of Fermanagh in 1586 ; the grant of upwards of twelve thousand acres in Limerick to Bouchier in 1588 ; while the patents noted in the foregoing list, as omitted in these Calendars under 1537 and 1555, are the documents under which, to-day, the two high Peers of Ireland, the Duke of Leinster and the Marquis of Ormond, derive their ancient titles and family estates.

In these Calendars are also most improperly omitted details of the privileges and services of Crown tenants ; matters of high legal import as distinguishing rights of great Barons and Parliamentary Peers. Such omissions preclude an accurate view of the progress of English law and customs in Ireland, and seriously prejudice historic, legal and genealogical investigators, who in the absence of these particulars are unable to trace cases where the non fulfilment of peculiar obligations led to forfeitures, and loss or compositions with the Crown, for subsequent re-grants of estates.

The style in which the grants of offices are here calendared is equally unsatisfactory. The mere dates of important official appointments in Ireland having been long before the world in printed books, it was superfluous to reproduce them, unless accompanied by the Patents detailing the extent and nature of the offices conferred. This would have afforded accurate information on the state of the revenue and expenditure at various periods ;

on the powers of heads of departments, and on the juridical and general history of the country, by exhibiting the class of records to be consulted in inquiries on special subjects. Among the Patents of this class which should have appeared in these Calendars but of which we find no entries in the volumes before us, may be mentioned the following: Creation of the office of Ulster King at arms, principal Herald of Ireland, 1552; establishment of the Athlone Pursuivant, 1552; the transfer of the See of Dublin to Archbishop Hugh Curwen by Philip and Mary, 1555; the elaborate document issued by Elizabeth on her accession in 1559 authorising the proclamation of a general pardon in Ireland; the grant of 1574 by which the Queen of England recognised Aodh, the son of Manus O'Donell, as Chief of the territory of Tirconnell; Her Majesty's Letters Patent delivered into the Chancery of Ireland, 18 September, 1585, for the "dividing the parts of Ulster not yet reduced into Shire ground," establishing six counties in the North; the Commission of 10th of July, 1591, and its return, delivered into Chancery on the third of the following month, specifying the limits fixed upon for the county of Tyrone, with the allotment and division of that county; the very important document of 1601, detailing particulars of the exchange and coinage of the new standard in Ireland. The omission of the latter is the more reprehensible as the place which it should have occupied (vol. ii. 578-582,) is filled with matter extending to five pages, *frequently before printed*, although no intimation of this fact is given to the reader.

The three following extracts will serve to illustrate the useless mode in which important appointments several times before printed have been again calendared in these volumes:

- 1558-9 "Appointment of Thomas, Earl of Sussex, to the office of Lord Deputy of Ireland,—July 3."—*Vol. i, p. 418.*
 1574 "Grant of the office of Deputy General of Ireland to Sir Henry Sydney.—August 5."—*Ib. p. 555.*
 1574 "Appointment of the Earl of Essex to the office of Earl Marshal of Ireland.—Mar. 9."—*Ib. 556.*

The above few lines are given in these Calendars to represent letters patent of the most elaborate character, written in Latin, containing numerous clauses of the highest interest, illustrating regal and vice-regal prerogatives; the state of the English Government in Ireland; the exact nature of the offices conferred, and descending so far into details as to prescribe minutely even the fashion and emblazonry of the baton of the Queen's Marshal in Ireland.

A great part of these Calendars is occupied with entries of pardons, but the reasons for which they were granted are seldom given, and many pages are filled with such useless entries as the following:—

- 1544 "Pardon of Donaghe Shillerie, otherwise Cavanaghe, otherwise O'Byrne, of Innyscorthie, horseboy, Dec. 7, 35."—*Vol. i., p. 103.*
 1552 "Pardon of Ferdoroghe O' Brenane, John O'Brenane, Dermot O'Brenane, Patrick M'Donoghe Boy O'Brenane, Donald O'Ferroll O'Brenane, William M'Shane O'Henons, Donoghe M'Teige Teige M'Donyll O'Brenane, William M'Shane O'Brenane, Fiune M'Shane O'Costogine, David M'Gillepatricke, Gillernow M'Teige, Donogh M'William, and John O'Brenane, Kerns, Mar. 21, 6."—*Ib. ib. 273.*
 1553-4 "Pardon of Moriertagh Rowe O'Dowylle, otherwise Twooe O'Maline, Maurice, otherwise Moriertaghe Oge M'Donaghe M'Henry Edale, Melaghlin M'Donaghe M'Henry Edale, Donald bane M'Art Rowe, John O'Mollyne, Rory M'Shane O'Dowile, Edward Dowe, Hugh Dowe, M'Donnell M'Shane Glasse, Thady O'Hee, M'Gilpadricke O'Hee, and Thady More M'Donoghe M'Teige M'Dermot O'Egeyre—*No date.*"—*Ib. ib. 325.*

- 1558-9 "Pardon of Teige M'Dermod, Sherehee M'Morihirtagh, Gilpadrick M'Morihertagh, M'Dermod, Fardorogh M'Davye, and Dermod M'Teige, of Leix, Kerns, Decr. 16, 1."—*Ib.* 397.
 1558-9 "Pardon of the Archbishop of Dublin.—Dec. 15, 1."—*Ib.* *ib.*
 1558-9 "Pardon of Sir John Power, Lord Baron de le Power.—Dec. 16, 1."—*Ib.* *ib.*
 1602 "Pardon of Donogh M'Donnell M'Gillpatrick Clanteres, Shane M'Donnell M'Gillpatrick Clanteres.—O'Bergin.—O'Brohie,—O'Kellie,—M'Gilpatrick,—M'Teige,—O'Birnie—Roche,—Egerton,—Fleming,—and others.—Dublin, March 4, 45."—*Vol.* ii. p. 634.

Similar valueless entries of "pardons" occupy frequently from *six* to *seventeen* consecutive pages of these Calendars, as in vol. i. pp. 158 to 163; 172 to 188; 199 to 208; 273 to 280.

Had the precise nature of each pardon been accurately specified, such information might have furnished important links of the highest value to historical investigators as well as to inquirers into pedigrees, lands and titles.

We may thus estimate the amount of value to be attached to the Editor's statement (vol. i. p. xliii.)—plagiarised from Erck—that the "purport of each document has been minutely and accurately analyzed, the substance of every important clause and provision extracted, and the names of every person and place in each accurately specified."

The desire to economize space and the public funds cannot, with truth, be pleaded for the curtailment by which the entries in these volumes have been, as I have shown, virtually rendered useless, for many pages, purporting to be illustrative original documents, embodied in the Calendars have been *reprinted* verbatim from common books, *without any acknowledgment*. Thus the late Dr. John O'Donovan's Irish version and English translation of a covenant between Mac Geoghegan and Fox, A.D. 1526, is

most inappropriately *reprinted* under the year 1600, filling three pages in Gaelic and English (vol. ii. 572 to 574) without mention of its translator, O'Donovan, or of the "Irish Archæological Society," in whose "Miscellany" it appeared in 1846, p. 191. In a similar manner four pages of the same volume of the Calendars (60 to 64) are entirely occupied by *reprints* of documents relative to the obsolete Dublin] local impost, styled "Tolboll," totally out of place in Calendars of Patent Rolls, and published by Dr. Aquilla Smith, in the "Miscellany" already mentioned, pp. 33 to 41. The elaborate schedules compiled and published by Mr. Erck in 1846 ("Repertory," pp. 81-2, 169-170.) of Sir Walter Raleigh's Irish possessions are *reprinted as the result of new research* in p. 324 to 327 of the second volume of the Calendar; pp. 325, 515, and 630 of which are also composed of *republications* from the Calendar of Patent Rolls of James I. printed in 1830, pages 66, 58, 565.

The following figures will exemplify the vast extent to which documents and abstracts of records published in the Calendars of 1861-2, as the result of *new and original* investigations, have been *reprinted verbatim and without acknowledgment*, from the published "Reports of the Commissioners appointed to inquire into the Municipal Corporations in Ireland: presented to both Houses of Parliament." 1835:

Calendar Volume I.—pp. 78, 355-7, 423, 523: *reprinted verbatim and without acknowledgment* from the above Reports, pp. 573, 805, 810, 621, 451.

Calendar, Volume II.—pp. 86-87, 96-99, 110-112, 180-182, 212, 306, 310, 455-456, 825: similarly *reprinted* from the same Reports pp. 69, 105-106, 557, 558, 75, 76, 479, 579, 584, 455, 456, 213.

Equally preposterous with the foregoing appropriations, is the title of "Calendars of Patent and Close Rolls" given

to these Volumes, which do not contain either abstract or notice of any *Close* Roll, and in which every roll described is headed "*Patent* Roll!"

The rapidity with which these Calendars were executed was very remarkable:

"Nec pluteum cædit, nec demorsos sapit ungues."

The first volume, bearing date May, 1861, was completed in an incredibly short period. The second volume, containing printed matter sufficient to fill about 1000 pages similar to this, came before the public in June, 1862, thus succeeding the first within the time barely requisite for the mere printing. Literary history records a few rare instances of marvellous celerity in the composition of imaginative and poetical works, when

"Wit a diamond brought
Which cut his bright way through."

But I believe that no specimen can be adduced of the compilation of any analytical catalogue of documents, "heavy with the dulness of the past," having been completed with a rapidity remotely approaching to that with which these Calendars are alleged to have been executed, "at intervals snatched from the labours of official duties!" The justice of my remarks on this point will be admitted when I mention that the ancient and obscure records given in these volumes as having been *separately deciphered, translated, and epitomized*, in the most careful manner, amount to the enormous number of 5291 !*

* The number of the Patent Rolls and of the articles entered upon them alleged to have been *newly analysed* in the Calendars of 1861-2 are as follow—the figures within brackets denoting the numbers of the articles—Henry VIII. 24 rolls, [1142]; Edward VI. 8 rolls [1096]; Mary, one roll [97]; Philip and Mary, 7 rolls

Why the country should have been taxed for this *alleged* new examination and epitomizing appears inexplicable, since *all the Rolls included in these two Volumes were translated and calendared more than thirty years ago, under the superintendence of James Hardiman, for the Irish Record Commission, at the cost of the nation*, as may be seen from the note at foot. The Irish Record Commissioners' Calendar of Patent and

[369] ; Elizabeth, 47 rolls [2508] ; in all 87 rolls containing 5212 entries, which, with 79 entries from Fiantis (Vol. i. pp. 557-70) make a total number, as above, of 5291 entries, of which 3792 are contained in the first and 1499 in the second volume of the "Calendars."

The details of the preparation of the Calendars of Patent and Close Rolls under the late Irish Record Commission are given as follows in the published Reports of that body:

In March, 1816, these Commissioners officially reported that a Calendar to the Patent and Close Rolls in the Rolls' Office had been prepared from their commencement to the 43rd year of the reign of Elizabeth, and that considerable progress had been made in its final revision for press ; 6th Annual Report, 1816, p. 2. In March 1817, the 7th Annual Report, p. 8, states that "the Calendar to the Patent and Close Rolls formerly in the Bermingham Tower repository has been nearly completed and considerable progress made in the collation thereof by Mr. Hardiman." The eighth Annual Report in March, 1818, p. 12, records the completion of the formation of the Calendar and progress made in its collation and final revision for press. In January, 1819, the Commissioners reported, p. 42, that "the Calendar to the Patent and Close Rolls in the Rolls' office has been already brought down to the commencement of James I." In the Supplement to the same Report, p. 48, the following was given as the then state of the work :

"Arrangements of Patent and Close Rolls from 31 Edward I, to the present time in Chronological order, completed. Catalogue to same, giving accurate descriptions of each Roll, completed. Calendar of Contents of same to the end of the reign of Elizabeth, containing upwards of 12000 pages completed ; and considerable progress made in the revision of same for printing. Indexes nominum and locorum to same, containing 5412 pages completed."

Close Rolls to the end of the reign of Henry VII. published in 1828, contained an announcement that the second part of the volume, comprising the reigns of Henry VIII. Edward VI. Philip and Mary, and Elizabeth, was then in press. *The printing of this Calendar, commencing with the reign of Henry VIII., was partly executed in 1830, including much of the matter contained in the first volume of the newly-produced Calendar: but as the latter makes no reference whatever to that of 1830, parallel specimens are here appended of the entries with which they both commence:*

CALENDAR, A.D. 1830.

"Patent Roll, 5 and 6 Henry VIII.

I.—1. Grant from the King to Edward Becke, otherwise Beke, of Manchester.—To trade freely throughout Ireland, during his life, exempt from payment of the King's customs, tolls, &c. Ap. 5th.....

II.—1. Grant of the office of Second Justice of the Chief Place to John Barnewell, knt. Lord of Trymlesteston, 2 Jan. Pat[ent] Office.

III.—1. General Pardon to Christopher Ussher, of Dublin, merchant, the King's Collector and Customer, and Matilda Darcy his wife.—13 Jan.

IV.—2. General Pardon to William Brent, abbot of the Monastery of St. Thomas the martyr, near Dublin, and his convent.

V.—3. Grant from the King for a certain sum of money, to

CALENDAR, A.D. 1861.

"Patent Roll, 5, 6 Henry VIII. 1514-5.

Membrane 1.—License to Edward Becke, otherwise Beke, of Manchester, to trade freely throughout Ireland, during his life, exempt from payment of the King's customs or tolls.—Ap. 5. 5°.

2. Grant to John Barnewell, knight, Lord of Trymlesteston, of the office of Second Justice of the Chief Place; To hold during pleasure, with a Salary of 40 marks.—Jan, 2, 5°.

3. Pardon of Christopher Ussher, of Dublin, merchant, the King's collector and customer, and Matilda Darcy his wife.—Jan. 13.

Membrane 2.—4. Pardon of William Brent, Abbot of the monastery of St. Thomas the Martyr, near Dublin, and his convent, Jan.

Membrane 3,—5. Grant, for a certain sum of money, to

Edward Plunket, knt, lord of Donsany, Meath Co., five Marks of Annual rent, issuing out of Crossdrome and Castell Corr, in the King's hands, by reason of the minority of John Plunket, son and heir of Edmund Plunket, late Lord of Kyllen, decd., so long as same shall remain in the King's hands.—Without account. 4 April.

VI. 3. Grant of the office of Justice of Ireland to William Preston, viscount and lord of Gormaneston.—13 Ap.—Pat. [ent] Off[ice].

Dorso VII.—1. Award by the Lords and Council, that Henry Duff and others, of Drogheda, shall have a certain ship and goods, lawfully taken by them as a prize.—4 Aug. 6th.—*Calendar of 1830, page 1.*

Edward Plunket, knight, Lord of Donsany, of five marks annually, issuing out of Crossdrome and Castell Cor, in the county of Meath, in the King's hands, by reason of the minority of John Plunket, son and heir of Edmund Plunket, late Lord of Kyllen, deceased; so long as the lands shall remain in the King's hands.—Without account.—April 4.

6. Grant of the office of Justice of Ireland to William Preston, Viscount and lord of Gormanston.—April 13.

Dorso 7. Award of the Lords and Council, directing that Henry Duff and others, inhabitants of Drogheda, shall have a certain ship and goods, well and lawfully taken by them, as a prize.—Aug. 4, 6th.—*Calendar of 1861, Vol. i. p. 1.*

The entire of the Calendar of 1830, including *all the Rolls of which abstracts are given in the new Calendars*, was not printed, in consequence of the breaking up of the Irish Record Commission, and the manuscript of it extending to upwards of 12,000 pages, with indices occupying 5412 pages, continues as public property, no doubt in safe and responsible custody.

Whether the unacknowledged appropriation of the compilation of 1830 is the key to the wonderfully rapid execution of the Calendars of 1861-2; why a defective and inaccurate work like the latter should have been preferred to that executed under so eminent a scholar as Hardiman; and why the public funds should have been

expended to reproduce in an imperfect and comparatively valueless mode, that which had *at the cost of the Nation*, been previously compiled in a superior and satisfactory form, and even partly printed, are questions which will, no doubt, receive serious attention.

A notice of these Calendars would be incomplete without mentioning that they have been formally and publicly commended by the Lord Chancellor of Ireland; the Master of the Rolls of Ireland; the "Ulster King of Arms," as well as by some of the most noted lawyers in Ireland, whose opinions are given to the world in a pamphlet issued with the Calendars, entitled "Selection from letters received in reference to the Calendar of Patent Rolls." The Master of the Rolls of Ireland writes as follows to the Editor :

"I have no difficulty in stating that you have discharged the important duty of preparing the Calendar entirely to my satisfaction."

The Lord Chancellor of Ireland, in a letter printed at page 4 of the same pamphlet, declares that the "publication does great credit to the labour of the Editor;" that "the preface is interesting and instructive;" that he is "convinced of the value of such publications to the lawyer and the historian;" and that the "very careful manner in which the work appears to have been completed has conferred an important benefit on the public, and more especially on those who may be engaged with Irish history." [!]

Sir J. B. Burke, "Ulster King of Arms," in a letter dated from "Record Tower, Dublin Castle," designates the work "an admirable Calendar," "a great boon," and "an invaluable contribution"—apparently overlooking the entire omission from it of any entry of the Patent by which, as mentioned at p. 65, he holds the office of principal Herald of Ireland, and under which he annually receives from the public exchequer a salary of forty marks, and a suit of clothes!

The system adopted in the Calendars of giving short translated abstracts of records, which, as shewn at p. 60, has been long condemned by the most competent authorities, is however, highly praised in a letter, printed at page 5 of the pamphlet referred to, and there set down as written by "Gerald Fitzgibbon, Esq., Queen's Counsel, Master in Chancery." This letter contains the following passages, addressed to the editor of the Calendars :

"The plan of the book is simple and clear, and the execution is very creditable. I would suggest an addition to this valuable work which, as long as you live may be of comparatively minor utility, but may hereafter be found of the highest importance, and that is, a key to *those ancient records, which, it is well known, no other living person can read as you can.* A copious alphabet, with a full list of all the contractions, would be a valuable bequest to future times ; and the present heads of our legal body would confer a great and lasting benefit on their successors and the public of future ages, by now securing the performance of this work by one so competent and *so exclusively fit for the task as you are.*"

The reader may decide whether ignorance of the subject or keen satire is at the bottom of this epistle. Every man of even ordinary education knows that numbers of profound and accomplished palæographers exist on the Continent and in Great Britain, and that in this branch of learning some of the Archivists of Ireland hold an eminent and recognized place. Eighty-two names appear on the official "Liste des Archivistes" in France for the year 1862, and of these twenty-five are of the class designated 'Archivistes paléographes.'

Another of the legal dramatis personæ in this "Comedy of Errors" is the "Right Hon. James Whiteside, Queen's Counsel, Doctor of Laws, and Member of Parliament," who, by his performance on the stage of a public hall in Dublin, demonstrated to the world his entire want of a correct knowledge either of British or general history—or

even of the annals of the University which he represents in the House of Commons.

This noted member of the Bar, in the authorised edition of his treatise on the Parliament of Ireland, published by the Booksellers to the University of Dublin, for the "Committee of the Young Men's Christian Association, in connection with the United (Established) Church of England and Ireland," holds up these Calendars to the admiration of all "Christian young men" as models of "patient ability," further assuring such ingenuous youths, that the preface "points out the yet unexplored sources whence much additional light might be cast on the Irish Parliaments of the Pale."*

* "The Life and Death of the Irish Parliament, a Lecture by the Right Hon. James Whiteside, Q.C., LL.D. M.P." Dublin: Hodges and Smith, Booksellers to the University, 1863, p. 14.

To point out the principal of the innumerable evidences of astounding ignorance of accurate historic materials by which this production is characterised, would far exceed the present limits: two illustrations may however be given of the author's nescience of common historical facts connected with the legal profession to which he belongs. Page 13 of his above cited work, contains a distinct statement that the ancient Irish had no laws "save their own free will." A conclusive contradiction to this is supplied by a passage written nearly a century ago, by a Fellow of the University of Dublin. After mentioning the opinions expressed by various pretentious but superficial writers, that the old Irish had neither written laws nor settled jurisprudence, Dr. Thomas Leland, in his *History of Ireland*, 1773, demonstrated from the existing manuscripts of the ancient Gaelic laws, that a very elaborate and extensive code formerly existed among the natives. These laws, wrote Dr. Leland, "not only provide against murder, rapes, adultery, theft, robbery; but such crimes as are not generally cognizable by human tribunals, such as slander, tale-bearing, or disrespect to superiors.....The property and security of woods, the regulation of water-courses, but above all, the property of bees, on which depended the principal beverage of the people, were guarded by a

The study of ancient muniments having long ceased to form part of *legal* education, the elucidation of the contents of records has become recognized as a distinct branch of

number of minute institutions, which breathe a spirit of equity and humanity." We are not to wonder that a people, accustomed to the refinements found in their own laws, should be pronounced of all others the greatest lovers of justice. "This," added Dr. Leland, "is the honourable testimony of Sir John Davies and Lord Coke: with shame we must confess that they were not taught this love of justice by the first English settlers."—*History of Ireland*, by T. Leland, T.C.D. Dublin, 1773, vol. i. pp. xxiv. xxxvi. The strong opinions expressed by the chief scholars of Europe on the importance of these old laws, which, according to Mr. Whiteside, *never existed*, induced Government in 1852 to appoint a Commission for the special object of making a collection of the surviving ancient legal institutes of Ireland. This Commission has carried on its labours within the precincts of that University of which the author of the above statement is a Parliamentary representative; and according to the return made to Parliament by the Rev. Charles Graves, Secretary to the Commission, dated from Trinity College, Dublin, in 1857, the mere transcript of the original Gaelic of these ancient laws amounted then to 5142 folio pages! To this proof of Mr. Whiteside's knowledge of ancient Irish laws, an illustration may be added of his intimate acquaintance with the history of eminent lawyers who figured in Ireland. At p. 59 of his work, already quoted, on the Irish Parliament, he writes of Sir John Davies, Attorney General to James I., "Although he had much in his power, *he took not one acre of land in Ireland to himself*." The inaccuracy of this assertion will be seen when it is mentioned that, of the lands "planted" in Ulster, during the reign of James I. Sir John Davies received 1500 acres, called Lisgowely, in the precinct of Clinawly: 2000 acres called Gavelagh and Clonaghmore, in the precinct of the Omy; and 500 acres called Cornechino, in the precinct of Orior; the details of these lands will be found in the Survey of Ulster, made by N. Pynnar, by commission under the great seal of Ireland, dated 28th November, 1618. In addition to these 4000 acres, Davies received under a royal grant, dated 11th July, 1614, lands in the following Counties,—Kilkenny, King's and Queen's Counties, Tipperary,

learning, demanding peculiar aptitude and laborious application to acquire knowledge on such abstruse points, as the respective characteristics of the formula and effect of each document included in the class styled "diplomatique;" the language, writing, orthography and brachygraphy of various centuries; the styles of different monarchs in their charters and letters; the tests of the authenticity of dated or undated documents; the peculiarities and bearings of medieval, legal and municipal regulations; the characters and legends of seals or details of "l'art sphragistique," with innumerable other minute specialties, in which no assistance is derivable either from modern law or from profound classical knowledge. To the foregoing acquirements the qualified Irish archivist must superadd an acquaintance, substantial and minute, with the histories, social institutes and existing documents of that Celtic people which so long occupied the greater part of the land of Ireland; the various meanings and obsolete or current applications of words, names or denominations borrowed from their tongue; and the amount of value to be attached to writers in various languages who have hitherto touched on any portions of these subjects. There is no

Leitrim, Westmeath, Wicklow, Galway, Kildare, Clare, Cork, and Kerry; Patent Roll xi., James I., pars i., lxxix, 42, dorso.

"The History of Dublin," according to Mr. Whiteside, p. 6, "has been admirably written by the late Rev. James Whitelaw." Yet we have the authority of the present President of the Royal Irish Academy (Academy "Proceedings," vol. viii, page 102) that the compilation thus eulogised by Mr. Whiteside, "is full of the most absurd errors" and mainly composed of unacknowledged reprints from wretched guide books and Dublin Almanacs! Of the transformations effected by Mr. Whiteside in his performance, a striking instance appears at p. 21, where Henry Castide, described by Froissart as "a squire of England, an honest man, and a wise," is metamorphosed into "*one Doctor Bastide*,"—for the instruction of the Young Men's Christian Association!

road to such acquirements but long, laborious application ; and the few real proficient in them can appreciate the full truth of the axiom of the French sage—" *Le genie n'est qu'une plus grande aptitude à la patience.*"

That some high legal functionaries should have compromised their learning and sagacity by delivering in print their commendations of such a work as these *Calendars*, while exciting special wonder, demonstrates the value of the advice conveyed in the following lines, written more than three centuries ago, by a learned Lord Chancellor of England, on the mishaps of a sergeant of the law, who unwisely overstepped his own special department :

"Wyse men alway, affirme and say, that best is for a man
Diligently for to apply, the business that he can;
And in no wyse, to enterpryse an other faculte.
A man of lawe, that never sawe the wayes to buy and sell,
Weening to ryse by marchandyse, I wish to speed him well !
When a hatter will go smatter in philosophie,
Or a pedlar ware a meddler in theologie.
All that ensue such craftes newe, they drive so far a cast,
That evermore, they do, therefore, beshrewe themselves at last.
In any wyse, I would advyse, and counsaile every man,
His owne crafte use, all new refuse, and lightly let them gone."

The Master of the Rolls in Ireland, the judge of questions of literary property in that country, occupies a strange position before the world in this matter, since his name appears on the title pages of these volumes as the patron and promoter of a work in which the law of copyright, and even the first principles of literary honesty have been violated by an unprecedented extent of unscrupulous plagiarism and unjustifiable appropriation.

We have here, indeed, a remarkable testimony to the wisdom of the ancients embodied in the above verses. By venturing beyond his own department of modern law, an upright and preeminently equitable Judge, engrossed with

the weighty business of the Irish Rolls' Court, has been unwittingly beguiled into having his name published as patronizing and approving of a series of gigantic infringements upon mental property, the rights of which he had hitherto upheld with all the authority of his office, and in a manner becoming the son of an accomplished scholar, who, it is believed, felt prouder of the commendations bestowed by Edmund Burke upon his writings, than of his title of Baron of the Irish Exchequer.

It must, however, in justice be stated, that the eminent personages misled in this affair, were not exclusively Irish. Of the three "Chancery Commissioners" who presented to Parliament the series of blunders on the Records, noted at p. 7, one was an English Official of high rank, specially despatched from London to supervise the inquiry at Dublin. How seriously compromised even the highest authority on English Records may be in dealing with public muniments peculiar to Ireland, is unanswerably evidenced by the fact, that Sir John Romilly, Master of the Rolls, and President of the Record business of England, has, by his "flattering commendations," promoted and encouraged the publication of these Calendars—as is distinctly stated in the first page of the Preface to the second volume!

That a first step, however tardy, taken by Government towards improving the discreditable condition of the Public Records of Ireland should have produced such fruit, is regretted by those who appreciate the beneficial results which might have arisen from the laudable intentions thus frustrated, through causes, it should in truth be observed, beyond the immediate control of the Treasury.

Public justice demands that Government should discontinue the issue in the present discreditable form of these Calendars, abstracted without acknowledgment from

the labours of others. The sole question appears to be whether it may be more desirable to cancel them entirely, or to publish a supplement exhibiting accurately the portions which have been appropriated from other books, giving tables of the numerous errata, and supplying, from a collation of the original rolls, the many important and serious deficiencies in these volumes. Certain it is, that such a supplement would be the most conclusive exposé of the miserable results of audacious charlatanism.

I may here reiterate in emphatic terms, addressed to the literary world, interested in historic learning, that the Archivists of Ireland indignantly repudiate all connection with the discreditable compilations, inasmuch as they have been ignored in every step of a work, which, to the heavy detriment of the Public, has been committed to shallow and pretentious incompetency, through an unreasoning deference to the hollow prestige of a conventional profession.

To point out the step which should be taken to preclude the repetition of mistakes such as the publication of these Calendars, leads to a wider field, and necessarily involves a consideration of the course proper to be adopted with reference to the Public Records of Ireland, the condition of which, as exhibited in the commencement of the present paper, is almost identical with that in which analogous documents in England stood in the early part of the present century.* Down to the year

* The invaluable records of the Exchequer of Ireland are admitted (see p. 6) to be neither in responsible custody, nor in a secure repository. To the state of the archives of the King's Bench the following reference was made in 1857, by the present Attorney General for Ireland. "Mr. Thomas O'Hagan, Q. C., said he was not an archæologist himself, but, in his professional capacity, he had an opportunity of seeing some of the most valuable materials for Irish

1839, the national muniments of England were dispersed in fifty-six repositories in widely distant parts of London, many of them entirely unfitted for the safe custody of documents, damp, ill-ventilated, offensive ; never cleaned, aired nor warmed. To obtain access to any of these Records, searchers had to make numerous applications, and to pay heavy fees to the nominal Keepers, who, for the most part, neither gave regular attendance, nor provided any convenience for those who had occasion to consult them.

Sir Francis Palgrave, by great exertions, brought these numerous establishments under one system, and united the contents of the different depositories in the Public Record Office, established in London, pursuant to the Act for keeping safely the Public Records, passed in 1839, in which has been aggregated every instrument coming under the denomination of a "Public Record," which the Act defined to comprehend all rolls, records, writs, books, proceedings decrees, bills, warrants, accounts, papers and documents whatsoever, of a public nature belonging to Her Majesty. The documents previously dispersed in the fifty-six Repositories having been consolidated, under proper officers, literary inquirers are allowed to make searches without payment of fees ; the issue of Calendars has been commenced, and the Public obtain the fullest assistance in the production and use of the Records.

Turning to Ireland we find that in 1812, Sir Robert Peel, then Secretary for Ireland, proposed to concentrate,

history, crumbling away under the dome of the Four Courts [Dublin.]"—*Report of Excursion of Ethnological Section of British Association*, Dublin : 1859.

in one building at Dublin, the entire of the contents of the various metropolitan record repositories, including the muniments in the several law courts and offices. In 1817, the Imperial Parliament passed an act (57, George III, chapter 62) for the concentration and arrangement of Irish public records. This act commenced with declaring that, after the expiration of existing interests, the offices of Surveyor General of Crown Lands; Keeper of Records in the Bermingham Tower at Dublin;* Keeper of the

* These Records consist mainly of Plea Rolls; Rolls of the Pipe; the archives of the Parliament of Ireland; the documents of the Irish State Paper Office, together with collections made under the late Irish Record Commission. The office of Keeper of these Tower Records was a sinecure held, for life, under patent dated 29th November, 1805, at the period of its abolition, by Philip Henry Stanhope, fourth Earl of Stanhope. By undertaking to act gratuitously as Lord Stanhope's deputy, a late Ulster king of arms, succeeded in locating himself in this Tower, having, it is said, ejected by personal violence the late William Shaw Mason, Secretary of the Irish Record Commission. Under the Statute above quoted, these Records should have been removed to a Public Record Office; but, at the time of this intrusion, attention was not called to the serious impropriety of allowing original Rolls and Documents the property and evidences of the Public to come under the hands of a herald, who, as Ulster king of arms, is a professional genealogist, receiving fees for constructing pedigrees and making out claims for titles. Great injustice was thus often silently but most effectively inflicted upon individuals. Parties having once engaged, or purchased, the professional interests of the Ulster king of arms, as a pedigree agent or herald, consequently insured all the advantages derivable from a monopoly or non-production in evidence, of the Tower Records in his custody. It is needless here to enlarge on the intolerable nature of such a system, since, in consequence of the obscurity in which the Tower Records have hitherto been retained, it was impossible to demand, by the usual legal course, any specific document, of the actual existence of which positive or direct proof was

Records of Parliament; and Clerk of the Paper-office, should be abolished and not "granted to any person or persons whomsoever;" all records, maps, books, and

unattainable, from the want of arrangements similar to those established for the Public in the General Record Office in London. Lord Brougham protested against an Ulster king of arms being believed on oath before the House of Lords, and designated him to that august assemblage, as a person whose business was to "wear a motley coat; walk in processions, and superintend funerals." It would appear that his Lordship's knowledge of the nature of this office was based on a Commission bearing date 5th of June, 1684, to the Ulster king of arms of that day, and which defined his office to consist in "taking knowledge of and registering the descents, matches, and issue of the nobility and gentry of the kingdom of Ireland, as also in preventing and reforming usurpations, disorders, and abuses in the bearing and using of arms and titles of honour, as also in the regular and undue using of *velvet palls, or supporters at any funeral whatsoever.*" The small importance originally attached to this office is shown by the official "Establishment of Ireland, Civil and Military," signed by Charles II, 1684, in which the Ulster king of arms is set down for an annual salary of £26 13 4, while the State Trumpeter and Kettle-drum performers were paid each £70 per annum. In the schedule of the officers and servants attending the House of Peers in Ireland, from 1719 to 1729, the name of the Ulster king of arms is put at the foot, three degrees below the "Fire Maker to the House of Lords," a position acquired apparently by the low quarrels in these times, for fees, between the "Ulster king" and the herald-painters and undertakers of funerals in Dublin. One of these Dublin undertakers, named Aaron Crossly, carried on a long dispute with William Hawkins, Ulster king of arms, who sought to oppress him by virtue of his employment under the House of Lords; but several of the Peers protested against this protection being taken advantage of by their servant, whose errors in heraldry were exposed by Crossly, proving, that, among other mistakes, the Ulster king had blazoned the arms of the see of Ossory "as if one half of the Bishop were dead and the other half living"! The fee to the Ulster king of arms for introducing a Baron or Bishop into his place in the House of Peers of Ireland was fixed at £1 17 6; and in

papers, connected with the offices were, under this act, ordered to be transferred to a Repository to be appointed "for the preserving and securing of the Records of Ire-

1750 it appears that, in point of rank and emolument, the Ulster king of arms was, so far as the Peers were concerned, placed on a level with a "second class door-keeper to the House of Lords," the salary of £53 6 8 being allowed to each. The House of Lords of Ireland, in 1789, passed a formal resolution declaring that, after careful examination, they had concluded that the entries in the books of the Ulster king's office were "very incorrect;" and that, moreover, several of the Irish Peers had paid for entries which had not been made. Such facts show the grounds on which Sir W. Blackstone founded the opinion which he delivered as follows, in the seventh chapter of the third book of his famous "Commentaries on the Laws of England:—" "The marshalling of coat armour, which was formerly the pride and study of all the best families in the kingdom, is now greatly disregarded, and has fallen into the hands of certain officers and attendants upon this court [of heraldry] called heralds, who consider it only as a matter of lucre, and not of justice, whereby such falsity and confusion have crept into their records, which ought to be the standing evidence of families, descents, and coat armour, that, though formerly some credit has been placed to their testimony, now even their common seal will not be received as evidence in any court of justice in the kingdom." When such a vile or venal state of heraldic morality existed in England, under the surveillance of a regular "College of Heralds," one may conjecture the extent to which the Ulster kings of arms, as principal and uncontrolled heralds for all Ireland, were led into fabrications and perversions as a matter of "lucre and not of justice." The Ulster king of arms in 1800, was a member of the House of Commons of Ireland, and although he is alleged to have advanced the price of his vote, by opposing the Union at first, before he came into terms with Lord Castlereagh, yet the annuity granted him, nominally in consideration of his loss of emoluments consequent on that measure, could not be brought up beyond £290 19 5: while at the same time Mrs. Taylor, Keeper of the Parliament House, was granted a pension of £877 18 9, together with an annuity of £472 18 11 for her under-housekeeper, Mary Foster. The Irish Archæ-

land," and the Government of Ireland was, by the same authority, invested with full power to take the requisite measures for the safe custody, preservation, and arrangement of these, and of "*all other records relating to Ire-*

ological Society, in its Transactions for 1843, have given evidences of what the Council of that learned body stigmatize as the "bare-faced fabrications of names, personages, events, and ancient armorial bearings," embodied in pedigrees, disposed of for money "by William Hawkins, Esq., Ulster king of arms and Principal Herald of all Ireland, *under the seal of his Office.*" Further disclosures of this nature, nearer to our own time, will be found in the correspondence between C. J. O'Donel, Esq., Barrister at Law, and Sir William Betham, Ulster king of arms, published at Dublin in 1850, in which Mr. O'Donel protested against the undue interference with Records in the Dublin Tower, which he publicly declared had not been kept free from interpolations and corruptions. Mr. O'Donel's statements, which have never been disproved, were supported by reference to a pedigree then recently issued, abounding with "scandalous fabrications," signed sealed, and *authenticated* by the Ulster king of arms, and to which even the attestation and signature of the Lord Lieutenant of Ireland, of the day, had been, by some means, obtained! On the death of Lord Stanhope, in 1855, the office of Keeper of the Records in the Dublin Tower finally expired, and according to law, could "not be granted to any person or persons whomsoever," and in compliance with the Act of Parliament these muniments should have been removed to a Public Record Office. An illustration of the obscurity hitherto involving all matters connected with Public Records of Ireland is found in that well-known, laborious, and, in the main, accurate publication, Thom's Official Directory of Great Britain and Ireland, at p. 830 of which, for 1863, the present Ulster king of arms is entered as "Keeper of the Dublin Tower Records,"—an office which, as above shown, cannot legally exist; nor in any case could the Public, at this time of day, submit to have muniments, the property of the country, deposited anywhere but in a Public Record Office, free from all professional influences or agency; and so arranged and calendared that, as in London, any individual may obtain the fullest assistance in their production and use.

land." An Act of 1822 (3 George IV, chapter 56), moving in the same direction, abolished the Irish offices of Teller of the Exchequer, Auditor General, Clerk of the Pells, and Muster Master General, and provided that their records should also be removed to a Public General Repository.

No actual immediate movement was made under this legislation, and the first practical step towards concentrating the Records resulted from the act of 1829 (10 George IV. chapter 50) consolidating and amending the laws relating to the management of the land revenue of the Crown in Ireland.

This concentration of portions of the public muniments of Ireland was commenced in 1831, under the supervision of Mr. W. H. Hardinge, who with the approbation of the Treasury, removed to the western wing of the Dublin Custom House, six of the nine classes included in the Acts, viz.: the Records of the Surveyor General, Auditor General, Vice Treasurer, Teller of the Exchequer, Clerk of the Pells, and Muster Master General, together with the records of the 1688 forfeitures. The records of the offices of the First-fruits and Twentieth parts, Commissioners of Imprest accounts, Excise, Customs, Post-office, with a variety of smaller Collections, have since that year been removed to this Repository, and the arrangements, classification, and registration of the entire mass of documents have been accomplished in a style eliciting the highest commendations from the most competent authorities* in England and Ire-

* See the "History of the Survey of Ireland, commonly called the 'Down Survey,' by T. A. Larcom, F.R.S., M.R.I.A. Dublin: For the Irish Archæological Society, 1851." "Notes of Materials for the History of Public departments," by F. S. Thomas, London: 1846. "Fasti Ecclesiæ Hibernicæ, by H. Cotton, D.C.L., 1846.

land, and demonstrating the great benefit which would have accrued to the country had the entire of the other Irish public muniments been concentrated under the same zealous, skilful, and indefatigably laborious head.*

The majority of otherwise educated people are not aware that Ireland is anomalously situated with regard to titles to public and private property, as, owing to former events in that kingdom, the Irish Public Records constitute the principal, if not the only, legal evidence of original settlement and continued subsequent enjoyment of all real property in Ireland, whether ecclesiastical, lay, or corporate, as well as of the origin, nature, variations, and extent of the Crown's hereditary revenues. In corroboration of these remarks it will suffice to cite here the unquestionable authority of General Sir Thomas Larcom, the present Under-Secretary for Ireland, who, in his valuable work on the history of the "Down Survey," mentions one class of muniments, which, in his own words, are "the legal record of the title on which half the land in Ireland is held."

These features are as important to Great Britain as to Ireland in matters of property; it should also be remembered that the Irish Public Records are the chief memorials of the English race in Ireland, and, in an historical point of view, they are absolutely requisite for the elucidation of many highly important points of the annals of the British Empire.

Although well aware of the hitherto not ungrounded impression prevailing among scholars in Ireland, that they

* Author of *Memoirs on unpublished townland Surveys in Ireland*, of a public character, previous to the year 1688. *Transactions of the Royal Irish Academy*, Vol. xxiv; and *Proceedings of same Academy*, Vol. vii.

have but too little to expect from the guardians in London of the Imperial finances, I must here, in justice, express my conviction that had not individual interests and sordid motives combined, up to the present, to withhold from the light accurate and impartial information on portions of the Public Records of Ireland, I should not to-day have to lay their wretched condition before the authorities who, with honourable enlightenment, have liberally opened the national purse—not only for the execution in England of various desirable archivistic labours, but also to have examined and calendared every accessible document extant abroad connected with the history of Great Britain.

A full consideration of this subject, in all its bearings, cannot fail to demonstrate that the only satisfactory and really economical course to be adopted is one analogous to that taken so successfully in England—namely, to concentrate all the Public Records of Ireland, both metropolitan and provincial, in one general Repository at Dublin, under the management of archivists qualified to render them available in cases of justice, and competent, in their own departments, to maintain for this part of the empire a character for accurate and precise documentary learning.

By adopting a proper collocation, preserving the official character of each class, a systematic and sound foundation might be laid for producing calendars of their contents in a manner appropriate to each department, and useful to the public in historical and legal inquiries. "Without calendars and indices," says a high English authority, "the Public Records are as a sealed book and comparatively useless."

This arrangement might be made sufficiently expansive to absorb periodically the records of various public offices, thus relieving them from obstacles to their current every day business, and enabling Government to simplify

and economize those departments and courts, where the merely nominal custody of ancient records by those, who, as has been shown, are avowedly ignorant of their contents, and unable to answer any inquiries in connection with them, is at present made a source of unproductive public expenditure.

Such a Record Repository might clearly be established under the Statute of 1817, which, as already mentioned, authorizes the Government of Ireland, in plain words, to take measures for the proper care, arrangement, and aggregation of all the Public Records of Ireland. Should however, any perverse petty legal technicalities be raised by individual interests to mar the carrying out of a work so beneficial to the country at large, the Legislature can readily find means, as previously in England, to dispose of such obstacles.

In pausing here, for the present, I trust that I may not be considered to have been entirely unsuccessful in my essay to accomplish the objects which impelled me to enter upon this task—namely, to do justice to labourers whose works have been unfairly appropriated: to vindicate the real historic literature of Ireland; to arrest the misdirection of a well-intentioned national expenditure; to indicate the proper steps to be taken to remedy the present neglected and precarious condition of the great body of the Irish Public Records; and to let the world see the true obstacles which impede the production of accurate and solid historical works in this part of the Empire.

ON THE
PUBLIC RECORDS OF IRELAND.

PART II.

In the present division of this work I propose, for the enlightenment of the Public, to review and consider some observations made in the Imperial Parliament on portions of the questions treated of in the preceding pages.

These Parliamentary proceedings were as follow :

HOUSE OF COMMONS, 16th JULY, 1863.

CALENDAR OF CHANCERY ROLLS.

On the motion to go into Committee of Supply :

THE RIGHT HONOURABLE W. MONSELL called attention to the Calendar of Irish Chancery Rolls recently published by the authority of the Treasury. It was of great importance that any matter relating to science or literature in Ireland should receive proper consideration at the present moment, when the Government seemed to be engaged in a raid upon the scientific institutions of Ireland, and actually had it in contemplation to place the Royal Irish Academy, illustrated by so many great names, under the Dublin

Society; a body much more distinguished for party spirit than for science.

MR. F. PEEL, SECRETARY OF THE TREASURY: "There is no such intention."

MR. MONSELL was very glad to hear that the idea had been abandoned, but surely his Right Hon. friend could not deny that it had existed.* In 1810 a Record Commission was appointed for Ireland which did a great deal of useful work, till brought to a close from motives of economy in 1830, and nothing further was done by Government, with regard to the Irish Public Records, till a Committee on the Chancery Offices Dublin in 1858, recommended that steps should be taken to render accessible documents of great antiquity and importance, deposited in the Rolls' Office Dublin. For this purpose the Treasury made a not very liberal arrangement with the Master of the Rolls in Ireland, and two volumes of Calendars had thus been published, and a third was being printed; but although there were at present in Dublin, some of the most eminent Archæologists in Europe, not one of them had been consulted before the commencement of this work, which was entrusted by the Master of the Rolls to a clerk in the Rolls Offices Dublin! Every one acquainted with the character of the Master of the Rolls of Ireland, should feel that he had acted, as he thought, for the best, and the editor was said to have creditably discharged the duties connected with his clerkship in the Courts. In the two Volumes of Calendars already published, there were Prefaces amounting to 128 pages, and of these seven-eighths—purporting to be original compositions of the editor—were taken, without acknowledgment from printed works by Lynch, Hardiman, Mason, Erck, and other writers of eminence on Irish History, as well as from the valuable volumes published by the Irish Archæological Society. So unacquainted was the editor with the subjects of which he proposed to treat, that he assured the public in his preface, that the 'Seabright MSS.' are lying useless and unknown in the Library of Trinity College Dublin. Would the House believe that these were the MSS. which contained the ancient Irish Brehon laws, for the publication

* See Report of the special general meeting, 6th July, 1863, on which occasion the Academy formally protested "against the proposed change," above alluded to.—"Proceedings of the Royal Irish Academy," vol. viii. page 396.

of which grants had been voted in recent years?*

The two volumes also abounded in ludicrous mistranslations, of which it would suffice to cite the instance at page 273 of the Second Volume, where a name, meaning literally, a stone bullock-pen, is declared to signify, 'the City of the Dead!'

He had no wish to deal severely with the Editor, who might efficiently fulfil the duties of his situation, as a clerk, in the office of the Rolls Court, but the Calendars demonstrated his inability to elucidate or edit ancient muniments. The fact on which he [Mr. Monsell] desired to fix attention was, that the Treasury had set about performing a scientific and literary work of high importance to the Empire, without having consulted a single literary or scientific person conversant with the subject.

Competent and recognised Irish Archivists should hereafter be associated with the Master of the Rolls in the publication and management of such important public documents. There should be no delay in the completion of a Public Record Office, at Dublin, where all the records of Ireland could be collected together under proper arrangements. Ireland had now scholars whose reputation in archæology was European, and to such of them as had made the Anglo-Irish muniments their special study, should be committed the superintendence of all Government record publications connected with that country.

The right hon. gentleman concluded by moving for a return of all moneys expended during the last ten years in buildings for public records in England, Scotland, and Ireland, and also upon publications connected with public records in each of the three countries during the same period.

COLONEL FRANCIS P. DUNNE seconded the motion, expressing his belief that the root of the evil was the utterly inadequate sum granted by the Treasury.

* The passage referred to is as follows:

"Through the interference of our countryman, Burke, the Seabright manuscripts were sent to Trinity College. He considered he had thus restored them to Ireland, but the boon has hitherto proved fruitless. These venerable national documents have been transferred 'from the gloom of the convent to the tomb of the Capulets.' They slumber undisturbed on the shelves of our College." *Calendar, Vol. ii. page xvi.*

MR. F. PEEL, SECRETARY OF THE TREASURY, expressed his regret that the two volumes relating to Irish Records, published under the authority of the Treasury, should have been executed in a manner which had led to the subject being mentioned in that House. The object of these publications was to give the public in a concise form an account of the principal contents of the Irish Rolls or Chancery Records. The Editor had been selected by the Treasury upon the recommendation of the Master of the Rolls. That gentleman was well known for his skill and knowledge in connection with this particular branch of his duties, and no *a priori* objections had been raised to his appointment. The origin of all these complaints, however, was that, forgetting the maxim '*Ne sutor ultra crepidam*,' the Editor had not confined himself to translating, transcribing, and condensing these ancient records, but had thought it necessary to write a preface to each of his two volumes, and to annotate them. The Editor's explanation of this was that his object was to make his volumes as popular and acceptable as possible, borrowing from other works for that purpose, but not borrowing from any author whose name was not mentioned in some part of the preface. He did not receive payment for his preface. As to the text of his work, its most important part, the Editor's statement was satisfactory, and was corroborated by the Deputy-Keeper of the Rolls, whose testimony was unimpeachable. His calendar was quite complete and without any omissions. The Record Commissioners appointed 50 years ago had gone through the first seven years of Henry VIII's reign; and this part of their work the Editor had included in his own for the sake of completeness. He had, however, examined the records of those seven years with the same care as he had bestowed on those of other periods, and therefore had not been a mere copyer of the labours of the Record Commission. There was a Record-Office now in course of construction in Dublin, where it was ultimately intended to place all the Irish records, both legal and civil. The right hon. gentleman had recommended the employment of a commission in this matter, but the plan adopted in this country of engaging editors to do particular work, under the supervision of the Master of the Rolls, was, he thought, more economical and more expeditious. The right hon. gentleman's suggestions were worthy of consideration, but the Government had no intention, at present, of pursuing a different course on this subject from that which they had hitherto taken.

MR. GEORGE defended the Editor of the Calendars from the

charge of incompetence which had been brought against him. He adduced the testimony of the Master of the Rolls (Ireland), Mr. Brewster, Mr. Fitzgibbon, and others, as to the propriety of the selection of the Editor, and the high character of his publication.

MR. THOMAS O'HAGAN, ATTORNEY-GENERAL OF IRELAND, also bore testimony to the Editor's merits. He was, perhaps, the very best man in all Ireland who could have been selected for the particular task assigned to him. There had been gross misrepresentation in regard to him; but his vindication was complete and absolute. He had himself found the records in the Rolls-office under the Editor of the Calendars in the most excellent condition, and wholly available to the public. The arrangement in that respect could not be improved. But there were other legal records in a most disgraceful condition. A sum of money had therefore been estimated last year for the purposes of a Record-office, which had been already begun. It would be amply sufficient to meet all the exigencies of the legal records in the meantime, and would be constructed so as to admit of expansion as circumstances might require.

MR. MONSELL and Colonel DUNNE intimated that at present they would not press the motion for the financial returns to a division.

I shall now proceed to analyse seriatim the statements on behalf of the Calendars, which, reported as above in the "Times" of July 17th, 1863, may be assumed to embody every representation, that ingenuity could devise or legal astuteness suggest, to screen from the Treasury, and the Public, the extraordinary reality of this unprecedented transaction.

MR. F. PEEL, SECRETARY OF THE TREASURY:—

"The Editor had been selected by the Treasury upon the recommendation of the Master of the Rolls. That gentleman [The Editor] was well known for his skill and knowledge in connection with this particular branch of his duties, and no à priori objections had been raised to his appointment."

That no *a priori* objections had been raised to the editorial appointment recommended by the Master of the Rolls, is explained by the fact stated by Mr. Monsell—that no person in Ireland, acquainted with this branch of know-

ledge was ever consulted on the subject; nor was it publicly known that any such work was *at all* in contemplation till the first volume made its appearance.* Thus, the "Gentleman's Magazine" (cciv. page 433.) correctly tells us that the Chancery Commissioners, "through some unaccountable oversight, *omitted to consult any of the recognised authorities in Ireland on the subject of Records; and, to the utter surprise of those conversant with such matters,* a volume was issued in 1861 by Her Majesty's printers, entitled, 'A Calendar of the Patent and Close Rolls of Chancery in Ireland of the reigns of Henry VIII., Edward VI., Mary, and Elizabeth; edited by James Morrin, Clerk of Enrolments in Chancery; by authority of the Lords Commissioners of Her Majesty's Treasury, under the direction of the Master of the Rolls of Ireland.' This was rapidly followed by a second volume, purporting to be a Calendar of the same Rolls to the end of the reign of Elizabeth, and extending to beyond 700 pages."

These circumstances will recall the opening scene of Sheridan's "Tragedy rehearsed"—where Sir Christopher Hatton makes his first appearance on the stage, inquiring from Raleigh the cause of the "mighty armaments" at Tilbury Fort, upon which the author's critical friend satirically demands:

* "*Suddenly—the summer before last—and to the surprise of every one,* there appeared a magnificent volume of 660 pages, printed in Mr. Thom's finest style, published by her Majesty's Stationery-office, and purporting to be the work of a 'Clerk of Enrolments in Chancery,' executed during 'intervals snatched from the labours of official duties.' This was followed, last year, by another 'Calendar of the Patent and Close Rolls of Chancery in Ireland,' of 767 pages, from the same hand, 'by authority of the Lords Commissioners of her Majesty's Treasury, and under the direction of the Master of the Rolls.'"—*Dublin Evening Mail*, 12th May, 1863.

"Pray, Mr. Puff, how came Sir Christopher Hatton never to ask that question before?" To which the author, "Puff," replies:

"What—before the play began? how the plague could he!"

MR. F. PEEL, SECRETARY OF THE TREASURY—in continuation:

"The origin of all these complaints, however, was that, forgetting the maxim '*Ne sutor ultra crepidam*,' the Editor had not confined himself to translating, transcribing and condensing these ancient records, but had thought it necessary to write a preface to each of his two volumes, and to annotate them."

It must be well known that record publications are useless to the general inquirer, if not accompanied with reliable elucidations of obscure passages, and illustrated with accurate notices of the peculiar diplomatic characteristics of the age and department to which such obsolete writings belong:—"Les déchiffrer et les transcrire," says a high French authority, "c'est bien quelque chose; mais c'est le fait d'un *copiste* à gages, c'est l'ouvrage de l'œil et de la main: les juger, et saisir dans toutes les parties le vrai et le faux, le certain et le douteux, le suspect et le légal, c'est le fait du *litterateur*, c'est l'opération du savoir et du jugement."

The Master of the Rolls of England, adopting this correct view, requires* that each work edited for his series shall be accompanied with—

- (1.) An account of the manuscript from which the text has been taken.
- (2.) A brief notice of the era embraced in the work.
- (3.) A notice of the sources from which the facts and narratives are derived.

* Sir J. Romilly's "General Directions for the guidance of Editors."

- (4.) A biography of the author (so far as authentic materials exist for compiling one).
- (5.) An estimate of his historical value.
- (6.) A general index of the names of persons and places.
- (7.) A glossary of all obscure words, whether Anglo-Saxon or Latin, French or English. This glossary is not to include words found in ordinary dictionaries.

Deficiency in these acquirements amounts to an actual inability even to translate ancient writings with accuracy, as evinced by the Calendar translations of "a stone bullock-pen into a city of the dead, and of a flock of sheep into a wax candle;" also by numerous other equally ludicrous mistranslations of Latin, French, and Old English words, specimens of which will be found in the section of the present publication entitled analysis of the text of the Calendars—reminding us of Montaigne's "homme qui entend le Latin de son patenostre, et de François un peu moins."*

Thus have the translation and publication of some of the most important records of Ireland been committed to an Editor, whose annotations and Prefaces are frankly deprecated by the Secretary of the Treasury as the productions of a cobbler, blundering beyond his last—unqualified to comply with the above reasonable rules of Sir John Romilly—and who, consequently, could not be entrusted with any work in the *English* historical series.

MR. F. PEEL, SECRETARY OF THE TREASURY—in continuation :

"*The Editor's explanation of this was that his object was to make his volumes as popular and acceptable as possible, borrowing from other works for that purpose, but not borrowing from any author whose name was not mentioned in some part of the preface. He did not receive payment for his preface.*"

Passing over the absurdity of applying the term "*popu-*

* *Essais de Montaigne*, liv. iii. chap. v.

lar" to a collection of dry records—"as dull as catalogues"—the baselessness of this defence may at once be seen by recurring to the Calendars themselves, and inspecting the plagiarised passages printed in parallel columns from page 12 to page 41 of the present work establishing beyond question my allegation, that the "prefaces to these two volumes, *although purporting to be the result of original documentary researches are, in the main, abstracted verbatim, without acknowledgment, from previously published works.*"

In seven-eighths of the Prefaces we find no indication whatever that they are mere transcripts of the labours of others, and at page xliv. of the first volume the Editor writes specifically as follows :

"In the performance of this task, *I have had to rely solely on my own resources*, at intervals snatched from the labours of official duties."*

* That the plagiarisms in the Calendars extend to the *appropriation of even the most ordinary observations* is illustrated by the above passage, borrowed from Hatchell's dedication to the late Sir Michael O'Loughlen, sometime Master of the Rolls of Ireland, where we read : "Such intervals as I could snatch from official duties have been sedulously employed in the compilation of a repertory to the Patent Rolls of Chancery." Abstract of the Patent and Miscellaneous Rolls of Chancery inrolled during the reign of William IV. 1830, 1837 ; compiled from the original inrolments in the Rolls Office, by George Hatchell. Dublin : Thom, 1838. From the dedication of this work, *which is not mentioned in any part of the Calendars*, have also been transcribed, other passages, including the following, in the *first page* of the first volume. "Documents equally important, whether they be regarded as serving to illustrate our national history, or as the expositors of individual rights ; treasures of which it is difficult to decide whether they belong with a greater 'emphasis of interest' to the civilian or to the sage."

Throughout the entire of the "Calendars" the names of Hardiman, Hatchell, Tresham, Lemon, O'Donovan and Harris, have been studiously omitted—not even *once* mentioned—although the specimens, already adduced, demonstrate that numerous pages have been reprinted verbatim from their works as the new and original composition of the Editor—to an extent partly indicated by the following example :

Plagiarisms in Prefaces and annotations from the dissertation on the Statute of Kilkenny, 1842, by James Hardiman, *whose name or work is not mentioned in any part of the Calendars* :

Calendar—Vol. I., annotations put forward as new original researches, pages 118, 120, 549 ;—plagiarised from Hardiman, pages 133, 8 and 9.

Calendar—Vol. II., portions of prefaces and annotations similarly given, pages xviii, xix, xxii, xxxvi, li, 169 ;—plagiarised from Hardiman, pp. xxv, 68, 95, xxi, 13.

How completely readers will be misled who suppose that the "Prefaces" were written at the dates affixed to them in the "Calendars" is illustrated by the following specimen of the appropriations of Hardiman's observations published in 1843, on the Brehon laws, which since that time have been collected, transcribed, and translated :

HARDIMAN, A.D. 1843.

"Although the Irish, 'from the very beginning of time,' had been governed and regulated by the code celebrated under the name of the 'Brehon law,' yet the particulars of that Code are as little known, at the present day, as if it had never existed. Even the laws of the Anglo-Irish Parliaments of the Pale, enacted

CALENDAR, A.D. 1862.

"Although the Irish, 'from the beginning of time,' had been governed by the Brehon law, the particulars of that code are as little known at this period as if it had never existed.

The laws of the Irish Parliaments of the Pale, enacted

since the arrival of the English in the twelfth century, are also almost wholly unknown.

The few Acts passed previous to the seventeenth century, which appear in our Statute Book, bear but a very inadequate proportion to the number which still remain wrapt in the mouldering parchments on which they have been originally recorded. It is not, therefore, boldness or presumption to say, that those writers who have hitherto treated of the affairs of Ireland, were in a state of positive, though not invincible, ignorance of the sources from which only they could have drawn 'the most instructive portions of their labours.'—*Statute of Kilkenny*, 1843, pp. iii, iv.

since the arrival of the English, are almost wholly unknown.

As I have already stated, the few Acts previous to the seventeenth century which appear in our Statute Book bear but a small proportion to the number which still remain wrapt in the mouldering parchments on which they had been originally recorded. It is not, therefore, presumption to say, that those who have hitherto affected to treat of the affairs of Ireland, were in a state of ignorance of the sources from which they could obtain the most instructive portion of their labours."—*Calendar*, Vol. ii. p. xliii.

The name of Walter Harris does not occur in any part of the two volumes of the *Calendars*, in which the result of his researches among the Irish Records have been, after the lapse of more than a century, again placed before the public as new and original work, in the mode exemplified by the following extract :

HARRIS, A.D. 1747.

"It is to be lamented, my Lord, that we have not a perfect chain of Records existing through all the several periods of the English Government, occasioned partly by the decays of time, partly by the negligence of Officers, and the bad condition of repositories in ancient days, and partly by casualties from

CALENDAR, A.D. 1861.

"It is a source of regret that we have not a perfect series of records from the commencement in this country of the English Government : occasioned by the decay of time ; by the negligence of officers ; by the insecurity in which they were kept ; and by casualties from fire.....In the reign of Edward II. almost all

fire. Of accidents of this last kind, there is to be seen an ancient memorandum in Latin enrolled in the Chancery Office, Anno 2. Edw. II. to this effect. Memorandum, that all the Rolls of the Chancery of Ireland, were in the time of Master Thomas Cantock, Chancellor of Ireland, to the 28th year of King Edward, Son to King Henry the III. destroyed by an accidental fire in the Abbey of the Blessed Virgin Mary near Dublin, at the time when that Abbey was burnt down; except two Rolls of the same year, which were delivered to Master Walter de Thornbury by the King's Writ.

The two Rolls here mentioned to be preserved are, I think, yet remaining, and endorsed, *Antiquissimæ literæ Patentēs*, containing many useful matters... Yet this loss is in some measure supplied (I will not say perfectly) partly by Maurice Regan, partly by Giraldus Cambrensis, and the Abbot Benedict, three writers contemporary with the actions they relate, and by some manuscript annals in being; but more amply by the Collections made out of the Tower of London by Prynne and Rymer, and by Baluzius's edition of the decretal epistles of Pope Innocent the III.

To which may be added, some pieces in the Manuscripts intitled, *Crede mihi*, Alan's

the early records of the kingdom perished; which fact we find thus recorded on the Patent Rolls: — 'Be it remembered that all the Rolls of the Chancery of Ireland were, in the time of Master Thomas Cantock, Chancellor of Ireland, to the 28th year of King Edward, son to King Henry III., destroyed by an accidental fire, in the Abbey of the Blessed Virgin, near Dublin, at the time when the Abbey was burnt down, except two Rolls of the same year, which were delivered to Master Walter de Thornbury by the King's writ.'

The two Rolls here mentioned, yet remain, and one, entitled '*Antiquissimæ Literæ Patentēs*,' contains several interesting Charters and muniments of an historical nature.

This loss is partly supplied by Cambrensis, Regan, and the Abbot Benedict, writers contemporary with the actions they relate;...but more amply by the collections from the Tower Records, London, by Prynne, Rymer, and by Baluzius's edition of the '*Decretal Epistles of Pope Innocent III.* ;'

To which may be added the '*Crede Mihi*,' 'Alan's Registry,' the '*Black Book of Christ's*

Registry, and the Black Book Church.'"—*Calendar, Vol. I. pp.*
of Christ Church." — *Letter of* xi, xii, xiii.
W. Harris to Lord Chancellor
Newport, Dublin : 1747.

In the "Calendars" we also look in vain for any reference to F. S. Thomas, from whose "History of Public Departments," 1846, page 113, the *opening passage of the first volume has been appropriated*, and portions of whose observations on the "Liber Hiberniæ," 1852, have been transferred into pages xxv. and xxvi. of the same Calendar without mention of their author.

"Indice non opus est nostris, nec vindice libris,
Stat contra, dicitque tibi tua pagina—fur es ! *

Having thus exhibited the inaccuracy of the statement "that no writer had been borrowed from whose name was not mentioned in some part of the preface," I shall next unmask the evasion couched in the latter words—and here—"We must speak by the card, or prevarication will undo us."

Such a plea as the foregoing, in reality, resolves itself into this: A, with much labour, thought, and expense, having published a work in 1850—B, a plagiarist, reprints this work verbatim, in 1863, as his own original composition—his defence being that he mentions in some part of the stolen book that a man named A once existed—but without any indication that his work had been filched! Common sense and honesty revolt against a doctrine so monstrous and immoral—which, if tolerated would permit any one to reprint Lord Macaulay's or Hallam's works, as new and original compositions—provided an allusion be made in any part of them that there once lived men

* M. V. Martialis Epigrammatum Lib. i. liv.

named Macaulay and Hallam! The following examples will show that this is no exaggerated or overdrawn view of the above attempt

“To blunt the edge of law,
And, damn'd in equity—escape by flaw.”

From Sir William Betham's treatise on “Dignities,” 1830, whole pages, as already shewn pages 17—20, have been transcribed verbatim into the Preface of the second volume of the *Calendars*, as the Editor's original composition—but the *only* reference to Betham in the entire of the two volumes is as follows at page xxx. of vol. i.:

“To these [Memoranda Rolls] an incomplete index, which was afterwards sold to Sir William Betham, was prepared by the late William Lynch.”

The transfer of entire passages from Henry Joseph Monck Mason's “Essay on Parliaments” into the *Calendars* has been pointed out at page 12-13, and the plagiarisms from William Monck Mason will be found hereafter noted in the Analysis of the text,—yet a careful scrutiny will shew that the following is the *sole* mention of the name of Mason in the two volumes:

“Mr. Monk [*sic*] Mason informs us that the Mayor [of Waterford] made a bonfire of the Rolls and Records which lumbered the Tholsel in that city.” *Calendar, Vol. I. p. xiii.*

Erck's description of the Patent Rolls, his laborious schedules of Sir Walter Raleigh's Irish lands, and even his dedication to Lord Morpeth, have been appropriated into these volumes, as exhibited by the parallel columns at page 37-41,—yet the solitary reference which the *Calendars* make to this plundered writer is as follows:

"The late John Caillard Erck had in contemplation the publication of a Calendar to the Patent Rolls of James I., and had proceeded as far as the seventh year of the reign of that king (forming a very valuable volume), when his death put an end to a work which he performed with creditable fidelity and talent." *Vol. I. p. xxviii.*

Thus, "paltering with us in a double sense," we are assured that if the works of Betham, H. J. Mason, W. M. Mason, and Erck have been used, their names are "mentioned in some part of the Prefaces!"

The name of William Lynch *does not appear in any part of the second volume* of the Calendar in which, exclusive of the specimens already given pages 14 to 17—his work on "Feudal Dignities," 1830, has been plagiarised as follows:

Calendar, pages xxvi, xxviii, xxxviii, xlv, xlvii, *copied verbatim without acknowledgment* from Lynch, pages 11, 110, 73, 51, 55, 128, 129.

Pages xxxviii-ix. of the same volume of the Calendar are mainly composed of unacknowledged appropriations from page 59 of the "Case of Prescriptive Baronies," 1835, by Lynch, whose remarks on Irish Public Records in 1830, are, *without any reference whatever to their author*, boldly put forward in the following style, as embodying the views and results of the researches of the Editor of the Calendars, in 1862!

LYNCH, A.D., 1830.

"The occasional introduction of some detached, and generally unimportant instruments relative to Ireland into that work [Rymer's *Fœdera*], is much to be regretted, as it must tend to an erroneous impression, that the edition embraces all necessary documents relating to that country, and may hereafter pre-

CALENDAR, A.D. 1862.

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vent the publication of a regular series of State Records, or Acta Regia, for Ireland. Such a collection would be of considerable importance, from the following reasons:—Some of the earliest and most authentic expositions or declarations that we now have of the ancient Common Law of England, are principally to be gathered from State Documents issued for Ireland; most of the public events, transactions, and negotiations in which the English kings were engaged at home or with foreign powers, are detailed in writs and other records also transmitted to that country; and during the reigns of John and his immediate successors, the records bearing on Ireland disclose many essential data as to the history of dignities and of public rights generally in both countries.

Now, few of the records alluded to appear in this last edition of Rymer, and until they be published, we must lament the want of such valuable information. Laws and rights well known and observed formerly in England were not recorded, unless under particular or perhaps accidental circumstances; but when such were transmitted for execution or observance to a distant kingdom, they were of necessity committed to writing, and preserved by registration for posterity: impressed with

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this opinion, the author long since conceived that no enquiry into the Baronial or Legislative History of England could be satisfactorily completed, without strict examination of all records relating to Ireland previous to the middle or end of the fourteenth century.

Whenever the Acta Regia for Ireland may be undertaken, it is sincerely hoped that Government will not permit it to be executed by a system of deputation, but that its execution be entrusted to the most zealous and intelligent officers of the several record departments, each of whom should have full credit for his individual labours; by this means, and by excluding all modern and erroneous copies of records as authorities where originals could be found, with due attention to the orthography of proper names, such officers possessing the necessary qualifications, would have every desire to produce a creditable public collection."—*View of Legal Institutions*, 1830, p. 301.

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Whenever the Acta Regia for Ireland may be undertaken, it is hoped its execution will be intrusted to intelligent officers conversant with the subject of which they treat, and each of whom should have full credit for his individual labours; by this means, and by excluding all modern and erroneous copies of records as authorities, where originals could be found, with due attention to the orthography of proper names, such officers possessing the necessary qualifications, would have every motive to produce a creditable public collection."—*Calendar* Vol. ii. p. lxxvi.-lxxvii.

Rowley Lascelles is incidentally mentioned in the first volume of the Calendars as having been engaged in connection with the Irish Record Commission,—but, *no reference to him appears in the second volume*, in which, as already shown at page 20, his elaborate catalogue of Patent Rolls, his ideas and observations have been repro-

duced verbatim—as may be seen from the following figures :

Pages of Lascelles, "Supplement to the History of England," copied verbatim into Preface to Vol. 2 of the Calendars of Patent Rolls, *without any mention of or reference to the author*, throughout the entire volume :

Page xx of Calendar.	—	Page of Lascelles.	17
xxi	"	"	32
xxvii	"	"	29
li	"	"	49
lxx	"	"	21

The ten pages—lxiii. to lxxiii. purporting to be an original epitome of Anglo-Irish history during the period embraced in the second volume of the Calendar, including an account of the foundation of Trinity College, Dublin, are mainly copied verbatim from Lascelles page 38 to 45, in the following style, and the reader will observe that the points intended to be conveyed by the author, with regard to Queen Elizabeth and Archbishop Loftus, have been overlooked in the transfer :

LASCELLES, A.D. 1830.

"Connected with these proposed reforms, was the establishment of an university, at this time, in Ireland. An abortive attempt had been made so early as in 1311, by Leach, Archbishop of Dublin. A second attempt had been made by his successor Bicknor, immediately after the irruption of the Bruces from Scotland, in the time of Edw. II., when an university was established, and with difficulty supported for the space of thirty eight years.....

An Irish Parliament had in the

CALENDAR, A.D. 1862.

"Connected with the proposed reforms at this time, was the establishment of an university in Ireland. In the reign of Edward III. two successive archbishops suggested a scheme for establishing a university. The first was projected by John Leech, Archbishop of Dublin, in 1311; and Archbishop Bicknor, in the year 1320, founded, under the Papal sanction, an academical body, with full power to confer degrees, and which with difficulty was supported for the space of thirty-eight years.....

An Irish Parliament had, in

year 1465, 1^o of Ed. IV., passed a statute that an university should be established in the town of Drogheda, with the same liberties and privileges as were enjoyed by Oxford. But this, like so many other acts of Irish, and, perhaps, of English legislation, was totally disregarded and forgotten in the tumult of Civil broils.

In the parliament of 1569, Sir Henry Sydney had recommended to the lords of the council in England the re-establishment of the university, once erected in the church of St. Patrick—but nothing followed upon it.

Finally, Sir John Perrot projected two universities, to be erected in Dublin, out of the Cathedral of St. Patrick; which he recommended to be dissolved.

But this scheme was strenuously opposed by Loftus, Archbishop of Dublin, who was particularly interested in the livings of this church, by leases and estates which he had procured for himself and his kinsmen.

On the recall and ruin of his rival Perrot, Loftus, to make some amends to the interests of learning and religion, fixed his eye upon part of the estate of the city of Dublin.

The Monastery of All-Hallows had, at the dissolution of the religious houses, been vested in the mayor and citizens: to these Loftus made two fine

the year 1465, 1^o Edward IV., passed a statute that a university should be established in Drogheda, with the same liberties and privileges as were enjoyed by Oxford, but this, like similar [*sic*] Irish Acts was forgotten in the tumult of the period.

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On the recall of Perrot, Loftus, to make some amends to the interests of learning and religion, fixed his eye upon part of the estate of the City of Dublin.

The monastery of All-Hallows had, at the dissolution of the religious houses, been granted to the mayor and citizens: to these Loftus made two fine

speeches : recommending to the citizens, religion, charity, public spirit, national liberality in the character of strangers, which, he trusted, would find a reception in *their* breasts, since he could not conveniently spare room for them, at that time, in his own. They were prevailed on at once, to grant freely the Monastery, with its precincts. And the queen now granted all the *parchment* that was necessary, in the form of a royal Charter, which passed the seals December 29, 1591, graciously incorporating an university; permitting it to take that or any other gifts it might obtain, not exceeding the annual value of £400.

Loftus was made the first Provost; Cecil Lord Burleigh, the first Chancellor; which last officer, in future, was to be elected by the Fellows and Provost."—*Liber Munerum Hiberniæ, Vol. i., page 42.*

speeches, recommending to the citizens religion, charity, public spirit, and national liberality in the character of strangers, which, he trusted, would find a reception in their breasts.

The corporation generously and immediately granted the monastery, with its precincts and possessions, and her Majesty granted a royal charter of incorporation on the 3rd of March, 1595, with licence to take that or any other gifts it might obtain not exceeding the annual value of £400.

Loftus was made the first Provost; Cecil, Lord Burleigh, the first Chancellor, which last officer it was provided should in future be elected by the Fellows and Provost."—*Calendar, vol. ii. pp. lxix.—lxxiii.*

The above extract contains two of the several remarkable discoveries brought to light in these "Calendars" with reference to the Kings of England. The hitherto received authorities lay down that Edward III. ascended the throne in 1327 and that Edward the Fourth became king in 1461. The "Calendars" however, as above, inform us that Edward III. was king in 1311 and that Edward IV. began to reign in 1465! A further discovery in the "Calendars" relative to the reign of Edward IV. will be found hereafter noticed in the "Analysis of the text."

The catalogue of plagiarisms in the Prefaces and anno-

tations* might be much lengthened by numerous other instances—as that of B. T. Duhigg, *whose name does not occur in any part of the second volume of the Calendars*, in which whole pages of his “History of the King’s Inns, Dublin,” have been reproduced as the result of lengthened original research and consideration in the following mode :

DUHIGG, A.D. 1806.

“Henry’s reign was distinguished by an uncommon accession of property, which was as profusely distributed, as it had been profligately obtained..... The firmness of Henry’s character in Ireland appears evident by the general and instant revolt which threatened the dawn of a Minor’s reign.

Elective chiefs of Milesian race were seduced or awed by Henry to accept the descendible rank of nobility, whereby paternal feelings superseded family pride, and a power derived from Brehon law or native customs was wisely directed to its complete subversion.

Such also was the progressive strength of that principle, that the government of the young prince, aided by those interested nobles, quickly enforced a general obedience.

It also assumed a legal position, highly meriting notice in an history of this kind, and which partook alike of the policy and justice of English law. The Privy Council or Superior Courts

CALENDAR, A.D. 1862.

“The reign of Henry VIII. was distinguished by an uncommon accession of property, which was as profusely distributed as it had been unjustly obtained; yet the firmness of Henry’s character in Ireland appears evident by the general and instant revolt which threatened the dawn of his successor’s reign.

Elective chiefs of Milesian race had been seduced or awed by Henry to accept the descendible rank of nobility, whereby paternal feelings superseded family pride, and a power derived from Brehon law or native customs was wisely directed to its complete subversion.

Such, also, was the progressive strength of that principle, that the government of the young prince, aided by those interested nobles, quickly enforced a general obedience.

It also assumed another position worthy of notice, and which partook alike of the policy and justice of English law; the Privy Council or Superior Courts

encouraged the complaints, and redressed the grievances of dependant Irish septs.

This sagacious system rent asunder the link of Milesian union, and enlisted, at no expense, inveterate enemies to its continuance: persons acquainted with the habits, prejudices, and language of the inferior classes, were thereby interested to exercise all such influence in exploding customs variant from, or hostile to, the Common Law.....Religious disputes did not, during this reign, enforce any material variation from existing law, or much inflame the civil disorders of the country; but a new sovereign assumed the sceptre, whose personal honour and presumed education clashed with Edward's religious creed."—*History of the King's Inns.*—*Dublin:* 1806, pp. 40, 46-7.

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This sagacious system rent asunder the link of Milesian union, and enlisted, at no expense, inveterate enemies to its continuance. Persons acquainted with the habits, prejudices, and language of the inferior classes, were thereby interested in exercising all their influence in exploding customs opposed to the Common Law.

Religious disputes did not during his reign enforce any material deviation from existing law, or much inflame the civil disorders of the country; but a new sovereign assumed the sceptre, whose policy and prejudices clashed with Edward's religious creed."—*Calendar, Vol. ii. p. lix.—lx.*

Nothing short of reprinting in parallel columns seven-eighths of the Prefaces and annotations to the two volumes of "Calendars" could fully exhibit the extent of the piracies sought to be screened under the evasion of not having "borrowed from any author whose name is not mentioned in some parts of the preface." The plagiarisms in the text will be found hereafter noticed under a distinct head—but the following is too characteristic to be omitted here: page xxxi. of the Preface of Calendar, vol. ii. contains a prominent editorial reference to "My Mss," for the following passage:

"In the year 1520, the Mayor and Aldermen of Dublin being at

dinner with the Earl of Surrey, Lord Deputy, news was brought that O'Neil was coming with a great force to invade the Pale. Forthwith, the Deputy commanded the Mayor and citizens to set forth and resist O'Neil, which they did."

The importance of the recondite information elicited from these editorial mss., for the illustration of the subjects treated of in the Calendars, will be appreciated when it is seen as follows that the foregoing is a mere incorrect transcript from a common book, printed in 1809—the "*Mss.*," with other errors, making the Earl of Surrey Deputy, instead of Lord Lieutenant of Ireland:

"After whom came over Lord Lieutenant, Thomas Howard, Earl of Surrey, grandfather to the Duke of Norfolk, accompanied with 200 of the King's guard. While he sat at dinner in the Castle of Divelin, he heard news that O'Neale with a mighty army was even in the mouth of the borders ready to invade. Immediately men were levied by the Mayor, and the next morrow joining them to his band, the Lieutenant marched as far as the water of Slane."—*Campion's History of Ireland*, 8vo. Dublin: 1809, p. 160.

The Secretary of the Treasury assured the House of Commons that these Prefaces were not paid for—probably on Shakespeare's principle that

"Pirates may make cheap pennyworths of their pillage." *

This would, indeed, appear to be a partial development of the fate predicted for plagiarists by Pierre Bayle, in his commentary on a passage in Jeremiah, chap. xvii.

"As the partridge sitteth on eggs, and hatcheth them not; so he that getteth riches, and not by right, shall leave them in the midst of his days, and at his end shall be a fool."

"Les Interpretes disent là-dessus, que la perdrix dérobe les œufs des autres oiseaux, et qu'elle les couve, mais que les petits qu'elle fait éclore ne la reconnoissent

* Henry VI. part ii., act i., scene i.

point pour leur mère; et qu'ils la quittent, et vont trouver l'oiseau, qui avoit pondu ces œufs. Voilà le sort ordinaire des Ecrivains plagiaires. Ils moissonnent ce qu'ils n'ont point semé, ils enlèvent les enfans d'autrui, ils se font une famille d'usurpation; mais ces enfans enlevés sont comme les autres richesses mal acquises, *male parta male dilabuntur*; ils prennent les aîles, et s'enfuient chez leur véritable père. Un Auteur volé réclame son bien: et si la mort l'en empêche, un fils, un parent, un ami, fait valoir ses droits. Un homme même, qui ne sera pas de ses amis lui rendra ce bon office, afin de se faire honneur, de la découverte du vol, ou afin de couvrir de confusion le Plagiaire."

MR. F. PEEL, SECRETARY OF THE TREASURY—in continuation —"*As to the text of his work, its most important part, the Editor's statement was satisfactory, and was corroborated by the deputy keeper of the Rolls, Mr. Reilly, whose testimony was unimpeachable. His Calendar was quite complete and without any omissions.*"

This statement not only utterly fails to satisfy those who have at all considered the points at issue but demonstrates how hopeless the case must have been officially considered, when it was not deemed prudent to venture to submit it to the open investigation of any competent, impartial and independent tribunal of scholars conversant with the subject. Instead of adopting the latter and only satisfactory course,* the Public and the Treasury are called upon—with little respect for their common sense—to place

* "So many of the Archivist's charges are fully proved by the quotations made in his pamphlet, and he shows so good a case for the others, that an official examination of the whole affair is reasonably demanded, and we trust, on behalf both of the public purse and of historical and legal literature, that it will not be withheld." The "*Examiner*," London, 6th June, 1863. ●

implicit reliance on statements made by the Editor of the impugned Calendars and another official of the Dublin Rolls Court—the actual source whence the questionable productions themselves emanated!—who aver that the work entitled a “Calendar of Patent and Close Rolls” is “quite complete and without any omissions,” although this allegation is, *prima facie*, contradicted by the simple fact that, as already observed, the volumes contain neither abstract nor notice of *any Close Roll*, every Roll calendared in them being headed “*Patent Roll*!”

The declaration above quoted on the completeness of the “Calendars,” to be accepted by the public, should have been accompanied with certificates from recognised archivists, stating that they had carefully collated all the Rolls with the Calendars; but as the instruments of which these volumes *purport* to be abstracts amount, as has been shown at page 69, to the enormous number of 5291, the execution of such an operation was mechanically and physically impracticable, in the interval between the appearance of the publication which first raised the question—and the movement in the House of Commons.

The reader who has examined the details of the serious deficiencies and omissions in the Calendars already indicated, at page 62-64, will naturally desire to be informed on the qualifications which entitle the Deputy Keeper of the Rolls at Dublin to adjudicate in the above decisive manner on so serious a literary and historical question. The emphatic reference to this “unimpeachable testimony” led the House of Commons and the Treasury, no doubt, to conclude that this Deputy Keeper of the Rolls at Dublin was a profound historic investigator—a second Mabillon, or Pascual de Gayangos—entitled by his works to rank with those great

" Archivists, who flash the torch
Of Truth along Time's mould'ring records,
Illuminating all the fading past,
Like golden letters on an ancient scroll."*

But, after our previous strange "Record Revelations," the reader will scarcely be surprised to learn that this Deputy Keeper of the Rolls at Dublin, represented to the Treasury, and cited in the House of Commons, as an "unimpeachable" authority on ancient Patent and Close Rolls, is utterly unknown as a paleographer, has never published any historical or archivistic work, and, according to the solemn public testimony of his fellow officials, is not qualified even to *read* the ancient muniments in his charge! These allegations are neither prevaricatory nor illusive, but rest, as the following extract shows, *on no less an authority than that of the Editor of the Calendars*—publicly corroborated by another official of the same Dublin Rolls Office:

"Minutes of Evidence—Chancery Offices, Ireland Commission. Dublin, November, 15th, 1858.

Present; Edward Litton, Esq., Senior Master in Chancery, Chairman, Henry Darley, Esq., and Wilmot Seton, Esq.

THE ROLLS' OFFICE.

James Morrin, Esq. [Editor of the Calendars], examined.

Question 2671. Is there any other person in the [Rolls] office could read those documents if you were not there?

Answer. *No. There is no one there who knows the value of them, their use, or application.*

J. J. D. Latouche, Esq., examined.

Question 2786. There is no other [except the Editor of the Calen-

* Remonstrance addressed by Lady Wilde, translator of "Eritis sicut Deus," to D. F. M'Carthy, M.R.I.A., on reading his Essay on the collation of the various editions and manuscripts of *Mémoires de la Cour D'Espagne, sous le règne de Charles II.*, in the "Proceedings of the Royal Irish Academy."—Vol. viii.

*

dars], in any way connected with your [Rolls] office who can read those old documents?

Answer. *No other.*"

"Report of the Commissioners appointed to inquire into the duties of the officers and clerks of the Court of Chancery, in Ireland, with minutes of evidence, &c., presented to both Houses of Parliament, by command of Her Majesty."—*Dublin: Thom, 1859, pp. 138, 142.*

Hence it is plain, that the *unimpeachable authority* adduced to the House of Commons and the Treasury in favour of the completeness of these "Calendars of Patent and Close Rolls" was in reality the testimony of an official of the Dublin Rolls Court, who, according to the above evidence of the Editor of the Calendars, could neither *read* those documents nor *comprehend* their "value, use, or application;" and who thus would find himself, so far as the ancient Rolls are concerned, in the same position with "Tony Lumpkin" when the letter was put into his hand, which he considered a "damned cramp piece of penmanship as ever he saw in his life."—"I can read your print-hand very well," said the immortal Lumpkin, "but here there are such handles, and shanks, and dashes, that one can scarce tell the head from the tail.—It's very odd, I can read the outside of my letters, where my own name is, well enough; but when I come to open it, it's all—buzz; a damned up and down hand, as if it was disguised in liquor—There's an M, and a T, and an S, but whether the next be an izzard or an R—confound me—I cannot tell!"*

This case affords an instructive illustration of the evil results of the system still maintained in Ireland—although exploded in England and Scotland—of essaying to combine the management of ancient records with the anomalous

* "She stoops to conquer," by Oliver Goldsmith, Act IV.

every day modern law business which necessarily engrosses the time and attention of the officials of the Dublin law Courts. On this point, the Deputy Keeper of the Rolls at Dublin, gave the following information, in reply to question 2528 of the Chancery Commissioners, as to the peculiar duties performed by him in relation to the ancient records in his custody :

“ I have the general superintendence and charge of them, and I am responsible for their safe keeping. Every document issued from the office requires to have my signature, for no other person in the office is authorized to sign them. I have to administer oaths to any person requiring to make an affidavit in a cause petition matter... I have to inspect, verify, and pass all the accounts of the fees received in the office. I am responsible for the general management of the business of the office, and for giving of any information to solicitors with regard to practice, &c.” *Report of Chancery Offices, Ireland, Commission, 1859, page 132.*

The vitality of a character sketched by Molière is ludicrously apparent from the entire of this transaction—when we remember that the Rolls Office, Dublin, having hitherto a virtual monopoly of the chief Irish muniments, has been represented to the public as the centre of archivistic knowledge in Ireland—and has been accepted as such by the uninitiated, who, under existing arrangements, are compelled to depend mainly upon the materials thence supplied on questions connected with title, pedigree, and property :

“ Ils m’ont” says Sganarelle, “ fait médecin malgré mes dents. Je ne m’étois jamais mêlé d’être si savant que cela, et toutes mes études n’ont été que jusqu’en sixième. Je ne sais point sur quoi cette imagination leur est venue ; mais, quand j’ai vu qu’à toute force ils vouloient que je fusse médecin, je me suis résolu de l’être *aux dépens de qui il appartiendra*. Cependant, vous ne sauriez croire comment l’erreur s’est répandue, et de quelle façon chacun est endiablé à me croire habile homme. On me

vient chercher de tous les côtés ; et si les choses vont toujours de même, je suis d'avis de m'en tenir toute ma vie à la médecine. Je trouve que c'est le métier le meilleur de tous ; car, *soit qu'on fasse bien, on soit qu'on fasse mal, on est toujours payé de même sorte. La méchante besogne ne retombe jamais sur nôtre dos, et nous taillons comme il nous plaît sur l'étoffe où nous travaillons.* Un cordonnier, en faisant des souliers, ne sauroit gâter un morceau de cuir qu'il n'en paie les pots cassés ; mais ici l'on peut gâter un homme sans qu'il en coûte rien. Les bévues ne sont pour nous, et c'est toujours la faute de celui qui meurt !”

MR. F. PEEL, SECRETARY OF THE TREASURY, in continuation : —“*The Record Commissioners appointed 50 years ago had gone through the first seven years of Henry VIII.'s reign; and this part of their work the Editor had included in his own for the sake of completeness. He had, however, examined the records of those seven years with the same care as he had bestowed on those of other periods, and therefore had not been a mere copyer of the labours of the Record Commission.*”

The first part of this statement is absolutely contradicted by the Editor of the Calendars, who, at page vii. of his first volume, declares, as follows, that the Patent Rolls of the first seven years of the reign of Henry VIII. have been lost—with the exception of that for his sixth year !

“During the first twenty years of whose [Henry VIII.] reign there is but one roll (of the sixth) remaining.”

It is remarkable that no explanation was hazarded on the important fact disclosed at page 70 of my treatise that *all* the rolls included in the present two volumes, were translated and calendared more than thirty years ago, under the superintendence of James Hardiman, for the Irish Record Commission, *at the cost of the nation !*

Nor do we find any reply attempted to the serious question—why a defective and inaccurate work like the present Calendars, should have been preferred to that executed under so eminent a scholar as Hardiman, and why the public funds should have been expended to reproduce, in an imperfect and comparatively valueless mode, that which had been, at the cost of the nation, previously compiled in a superior and satisfactory manner—and even partly printed.

The following specimens, and the subsequent references in the Analysis of the text, will enable the reader to judge of the reliance to be placed on the above statement, that the Editor of the Calendars did not copy the labours of the late Irish Record Commissioners—the opening page of whose Calendar of 1830 has already, at page 71, been shown to be identical with the corresponding portion of the Calendar of 1861:

RECORD REPORT, A.D. 1830.

“The Statutes at present in print, previous to 10th of Hen. VII. are only translations, the originals of which have never been published. They were selected by Sir Richard Bolton: and there is every reason to suppose that they were never corrected from the Roll, by subsequent editors, as we find that many of the errors which had crept into the edition by Sir Richard, are copied into later editions. One instance is remarkable: by the 8th Edw. IV. all the English Statutes ‘concerning rapes’ are adopted, but the words ‘concerning rapes’ being omitted in the print, the Act appears to adopt all the Statute Law of England, instead

CALENDAR, A.D. 1862.

“The printed Statutes of Ireland previous to the 10th of Henry VII., are only translations of the original Acts in Norman-French, which originals have never been published; and there is every reason to suppose the translations have never been corrected with the originals; of this the following is an amusing instance. By the 8th Edward IV., c. 70, it was enacted, that all the English Statutes *concerning rapes* should be adopted in Ireland; but the words, *de toutz maners dez rapes* in the original, having been omitted in the translation, the printed Act appears to adopt *all the Statute law of England*, instead

of that part only that was 'concerning rapes.'"—*Eighteenth Annual Report respecting the Public Records of Ireland* (1830) page 10.

RECORD REPORT, 1810-15.

"Liber Niger. Also a vellum folio, bound in wood, and written in Court-hand; contains near 500 pages closely written, with many illuminated capitals, about the year 1340.

Its contents are very miscellaneous; Charters, Statutes; Norman-French Poems, Leonine and other Latin verses; Registries of Writs; Calendars, Chronicles, Chronologies, Martyrologies, Legends; Grants; Letters Historical and Empirical; Memorandums; Lists of Tenants; a curious Treatise of Arithmetic, exhibiting the state of that science before the introduction of Arabic numerals; and sundry articles relating to the Antiquities of Christ Church, one of which, published in the *Monasticon*, relates, that its Vaults were built by the Danes and consecrated by Saint Patrick, and that the Church was afterwards built and endowed by Sitric.

Of these numerous articles, some of the most important are, Copies of *Magna Charta*, *Charta de Foresta*, *Confirmatio Chartarum*, and the principal early English Statutes; some of which are considerably disguised by titles, commencements and con-

of that part only which concerned rapes."—*Calendar*, Vol. ii. page li.

CALENDAR, A.D. 1862.

"The Black Book is a vellum folio, bound in wood, and contains near 500 pages closely written, with many illuminated capitals, about the year 1340.

Its contents are very miscellaneous: Charters, Statutes; Norman-French poems, Leonine, and other Latin verses; registries of Writs; Calendars, Chronicles, Chronologies, martyrologies, legends; grants; letters historical and empirical; memorandums; lists of tenants; a curious treatise of arithmetic, exhibiting the state of that science before the introduction of Arabic numerals; and sundry articles relating to the antiquities of Christ Church, one of which, published in the *Monasticon*, relates that its vaults were built by the Danes and consecrated by Saint Patrick, and that the Church was afterwards built and endowed by Sitric.

Of these numerous articles, some of the most important are, copies of *Magna Charta*, *Charta de Foresta*, *Confirmatio Chartarum*, and the Principal early English Statutes, some of which are considerably disguised by titles, commencements and con-

clusions, differing from the corresponding Acts published in the Statutes of the Realm.

The above-mentioned Records likewise contain various articles relating to Tithes of Merchandise, and Tithe Fish of the Liffey, for which the Dean and Chapter obtained a Decree against the Corporation of Dublin; a dispute between the Clergy of the two Cathedrals, Christ Church and Saint Patrick's; some curious Lists of Prices; and many other things illustrative of History and Antiquities, particularly those of Dublin and the Church."—*Irish Record Reports, Vol. I.* 1810-15, p. 307.

RECORD REPORT, 1810-15.

The Contents of the Red Book, as it appears in beginning of said Book in a modern handwriting.

Mere scribbling

A few indistinct Memoranda.

Statutum Dublin, 11 Hen. 4 relative to Sheriffs and some Memoranda of little consequence.

Stat. 2d. Westm' in part ...

Sheriff's Oath of Office ...

Justice of Peace's do. ...

Treasurer's do. ...

Escheator's do. ...

Proclamation Writ, for the Observance of the Statute of 3 Richd. 2 de Absentibus.

Writ, ... 4 Richd 2. de absentibus

9 *

clusions, differing from the corresponding Acts published in the Statutes of the Realm.

It likewise contains various articles relating to tithes of merchandise, and tithe fish of the Liffey, for which the Dean and Chapter obtained a decree against the Corporation of Dublin; a dispute between the Clergy of the two Cathedrals, Christ Church and Saint Patrick's; some curious lists of prices; and many other things illustrative of history and antiquities, particularly those of Dublin and the Church."—*Calendar, Vol. II.* p. xliv., xlv.

CALENDAR, A.D. 1862.

Red Book. This venerable record is preserved in the Exchequer. The following is a short note of its contents :—

Statutum Dublin, 11^o Henry IV:

Statutum Westmonaster':

Sheriff's oath of office;

Justice of the Peace, ditto:

Treasurer's and Escheator's oath:

Writ for the observance of the Statute, 3^o Ric. II. De Absentibus;

Writ, 4^o Ric. II., de absentibus:

122 *Evidence of Plagiarisms from Record Commission.*

Writ, 7 Ed. 3. rel. to the Customs	Writ, 7 ^o Edward III., relative to customs :
Articles of Grievances sent to the King ; with the King's Answer to each, temp. Ed. 3.	Articles of Grievances sent to the King, with the King's answer ; tempore Edward III. :
Stat. 2d. Westmr in part ...	Statute 2nd Westmonaster' :
Breve de pardonatione debitorum Dni Regis, 41 Ed. 3 ...	Breve de pardonatione debitorum Domini Regis, 41 ^o Edward III. :
Le Statut fait encontr' les Amirals, 13 Rich. 2.	Le Statut fair [sic] encontr' les Admiralx, 13 ^o and 15 ^o Richard II. :
Do. Do. 15 Rich. 2.	
Le Statut encontr' Customers, &c, 13 Rich. 2.	Le Statut encontr' customers, 13 ^o Richard II. :
Some Latin verses and 4 causes, assigned quare Sancta Crux adoratur	Some Latin verses and four causes assigned quare sancta crux adoratur :
Ordinances of Kilkenny, 3 Ed. 2. The 4 first Chapters wanting	Ordinances of Kilkenny, 3 ^o Edward II., the four first chapters wanting :
Ordinationes in Parl, Dublin, 13 Ed. 2.	Ordinationes in Parl. Dublin, 13 ^o Edward II. :
Le Serement des Collectours. Statutum in Parl. Dublin, 11 Hen. 4	Le Serement des collectours : Statutum in Parl. Dublin, 11 ^o Henry IV. :
Bone Estatut pour le Peuple (no date) and a drawing of the Exchequer.	Bone Estatut pour le Peuple, and a drawing of the Court of Exchequer :
Statutes of Lincoln and York ; with a Writ for their Observation.	Statutes of Lincoln and York, with a writ for their observation :
Averment encontr' protection, 10 Hen. 4.	Averment encontr' protection, 10 ^o Henry IV. :
Stat. 1 Westmr. in part ...	
An ancient Calendar, the 12 months complete.	An ancient calendar, the twelve months complete :
Some Sacred Writings.	Some Sacred writings :
Latin verses ; Qui jurat super librum tria facit primo, &c.	Latin verses ; Qui jurat super librum tria facit, [sic] primo, &c. :
Allowances to the Master of the Mint in England, pro operag'	Allowances to the Master of the Mint in England, pro operag'

et Monetag'; and a Memorandum, 22 Ed. 1. quod Wm. de Wymundham misit 24 pecias cuneorum in Hibernia pro moneta ibidem facienda.	et Monetag'; and a Memorandum quod W. de Wymundham misit 24 pecias cuneorum in Hibernia pro moneta ibidem facienda :
Proclamation for decrying* base money, 27 Ed. 3.	Proclamation for decrying base money, 27° Edward III. :
Oath of a Justice.	Oath of a Justice :
De juramento Vicecomitum et Ballivorum; de juramento justiciariorum; and a Writ of Levari to the Sheriff of Dublin for the King's Debts (ii. Ed. I.) &c., &c.	De juramento Vicecomitum and Ballivorum, and a writ of levare to the Sheriff of Dublin for the King's debts, ii.° Edward I. ; &c. &c.
<i>Irish Record Reports, Vol. i. 1810-15, page 159-160.</i>	<i>Calendar vol. ii. page xlviii.</i>

From the representations made to the Treasury—and promulgated in the House of Commons, on the authority of the Editor and the Deputy Keeper of the Rolls at Dublin, it might be supposed that the body or text of the Calendars excelled in accuracy and originality the prefaces and annotations. To show, however, that such is far from being the fact, I shall now adduce evidence, in addition to that already laid before the Public, in corroboration of my allegation that "the Calendar or body of the work as here edited is, in general, unsatisfactory and defective for either historical or legal purposes"—classifying this analysis under the following heads :

I. PLAGIARISMS :

II. PATENTS ENTIRELY OMITTED :

III. DOCUMENTS CALENDARED SO IMPERFECTLY AS TO BE MISLEADING AND VALUELESS :

IV. INCORRECT ABSTRACTS, FALSE DECIPHERMENTS, AND INACCURATE TRANSLATIONS OF ENTRIES ON THE ROLLS.

In applying the term *text* to the body of the Calendar I merely adopt, for facility of reference, the name by which

that portion of the Calendars is referred to in the certificate from the Deputy Keeper of the Rolls, adduced in the House of Commons, but which is plainly an inaccurate designation for an English version from Latin originals.

Here it may be observed that the Editors of Calendars, published under the sanction of the Treasury in England, are, as an *essential* matter, required to *specify both the language and the length of each document described in their compilations*. The "*Calendars*" before us, however, so totally disregard this indispensable rule, that no information whatever is to be found in their pages, as to the language of the originals from which they purport to have been taken—and, incredible as it may appear, the sole reference to such an important point is that, at page lxxix. of the second volume, where, in defiance of all common sense, the Editor declares, that, in his translations, he has "*preserved the ancient orthography!*"

ANALYSIS OF THE TEXT OF THE CALENDARS.

I. Enumeration of some of the plagiarisms in the text of Vols. i. and ii.

- Vol. i. pp. 195-6. Translation of Charter granted by Richard II. to Galway, *plagiarised* from Hardiman's History of Galway, 1820, Appendix xviii.
- Vol. ii. pp. 4-10. Translation of Elizabeth's charter to Galway, *plagiarised* from idem, Appendix xvii.
- Vol. i. p. 524. Translated abstract of Charter of St. Patrick's Cathedral, Dublin, *plagiarised* from Mason's History of that Cathedral, 1820, p. 158.
- Vol. ii. pp. 18-21. Orders for the better government of Connaught, *plagiarised* from "Description of West Connaught," edited by J. Hardiman, for the Irish Archæological Society, 1846, pp. 303-305.
- Vol. ii. p. 21. Clauses enrolled, *plagiarised* from id. 306.
- Vol. ii. p. 137. Proceedings in Connaught, *plagiarised* from id. 299.
- Vol. ii. p. 138. Treaty between Sir J. Perrot and Lords of Thomond, *plagiarised* from id. 358.

- Vol. ii. pp. 146-151. Composition between Elizabeth and the Lords of Sligo, *plagiarised* from id. 340-346.
- Vol. ii. p. 147. Documents relative to boundaries of Sligo, quoted from "original inquisition," *plagiarised* from id. 341.
- Vol. ii. pp. 60-62. Award relative to Dublin Tolboll, *plagiarised* from A. Smith, M.D., Miscellany of the Irish Archaeological Society, 1846, p. 32.
- Vol. ii. pp. 62-64. Decree on same subject *plagiarised* from id. 41.
- Vol. ii. pp. 572-574. Covenant between Mac Geoghegan and Fox—the *Gaelic text and English translation by the late John O'Donovan*, reprinted without acknowledgment, from same Miscellany, p. 191.
- Vol. ii. pp. 476-7. Composition relative to "Cess," A.D., 1586, reprinted *verbatim without acknowledgment* from "Desiderata Curiosa Hibernica," 1772, i, pp. 77-81.
- Vol. ii. pp. 324-7. Schedule of Sir W. Raleigh's lands, reprinted *verbatim without acknowledgment* from Erck's "Repertory of Inrolments," 1846, pp. 81, 82, 169, 170.
- Vol. ii. p. 578. Proclamation, A.D. 1601, relative to coinage, previously *twice* printed in Simon's "Essay on Coins," 1749 and 1810, pp. 90-94.
- Vol. ii. p. 325. Inquisition, A.D. 1603, at Waterford, relative to Sir W. Raleigh's possessions, *plagiarised* from Calendar of Patent Rolls of James I., printed by A. Thom, Dublin, p. 66.
- Vol. ii. p. 515. Customs of the Manor of Carlow, *plagiarised* from id. 58.
- Vol. ii. p. 630. Proclamation relative to Markets, *plagiarised* from id. 556.
- Vol. i. p. 78. Synopsis of Grants to Thomastown, *plagiarised* from Reports on Municipal Corporations in Ireland, 1835 p. 573.
- Vol. i. pp. 355-7. Synopsis of Grants to Drogheda, *plagiarised* from ib. 805-10.
- Vol. i. p. 423. Charter of Wexford, *plagiarised* from ib. 621.
- Vol. i. p. 523. Synopsis of Grants to Callan, *plagiarised* from ib. 451.
- Vol. i. p. 528. Id. to Naas, *plagiarised* from ib. 213.
- Vol. ii. pp. 86-7. Id. „ Kilmallock, *plagiarised* from ib. 69.
- Vol. ii. pp. 96-9. Id. „ Youghal, *plagiarised* from ib. 105-106.
- Vol. ii. pp. 110-12. Id. „ Ross, *plagiarised* from ib. 557-558.
- Vol. ii. pp. 180-2. Id. „ Kinsale, *plagiarised* from ib. 75-76.

Vol. ii. p. 212. Grants to Clonmel, *plagiarised* from ib. 479.

Vol. ii. pp. 306-10. Do. „ Waterford, *plagiarised* from ib. 579-584.

Vol. ii. pp. 455-6. Do. „ Athy, *plagiarised* from ib. 455-456.

The mode in which the *text* of these Volumes has been swelled by the above cited plagiarisms from Hardiman—*whose name is not mentioned in any part of the Calendars*, is exemplified by the following specimen—

HARDIMAN, A.D. 1846.

It was not until late in the reign of Elizabeth that the province of Connaught was brought under subjection to the Crown and laws of England. The proceedings by which that event was achieved were commenced by the Lord Deputy, Sir Henry Sydney, in A.D. 1575; and completed by a succeeding Deputy, Sir John Perrot, in A.D. 1585.

The project was, to divide the province into shires; then to induce the lords and chieftains to receive sheriffs into those shires; and, finally, to prevail on the chiefs themselves to surrender their Irish titles and tenures, and to receive back their possessions by patents from the Crown, to descend in hereditary succession according to the laws of England.

In a despatch to the lords of the Council, A.D. 1576, Sir Henry Sydney writes, that he had ‘proved before them,’ i.e. the lords and chieftains of Thomond, ‘(lately annexed to the presidency of Connaught by the Name of the

CALENDAR, A.D. 1862.

It was not until late in the reign of Elizabeth that the province of Connaught was brought under subjection to the Crown and Laws of England. The proceedings by which that event was achieved were commenced by the Lord Deputy, Sir Henry Sidney, in 1575, and completed by Sir John Perrot, in 1585.

The project was to divide the province into shires; to induce the lords and chieftains to receive sheriffs into those shires; and finally to prevail on the chiefs themselves to surrender their Irish titles and tenures, and to receive back their possessions by patents from the Crown, to descend in hereditary succession, according to the law of England.

In a despatch to the Lords of the Council, in 1576, Sir Henry Sydney writes, that he had ‘proved before them,’ that is, the lords and chieftains of Thomond (lately annexed to the Presidency of Connaught by the

county of Clare), the verie roote and origine of this ruynes was the uncertaine graunte and unstable possession of their landes, whereupon grewe their warres, I brought them to agree to surrender all their landes, and take it of her Highnes agayne, and yeelde bothe rente and service.'—*Chorographical Description of West or H-Iar Connaught*, 1846, p. 299.

name of the county of Clare), 'the verre [sic] roote and origine of their ruine was the uncertain graunte and unstable possession of their lands, whereupon grew their wars, I brought them to agree to surrender all their lands, and take it of her Highness agayne, and yield both rent and service.'—*Calendar*, Vol. ii. p. 137.

Not less sweeping are the appropriations above indicated of the work of the scholars who contributed to the Municipal Corporation Commission the synopses of charters or royal grants to towns in Ireland—the results of whose labours, published in 1835, extending over a series of documents from the twelfth to the end of the seventeenth century, have been reprinted, without acknowledgment, in the *text* of the Calendars, as *the new and original researches* of the Editor!

From the foregoing figures—without an inspection of the Calendars—the reader could scarcely realize the vast extent of these gigantic plagiarisms with which so many pages of the *text* are filled in the following style:

REPORT, A.D. 1835.

The first mention we find made of Ross in ancient records is in a writ of Henry the Third, dated the 26th day of October, supposed in the fourteenth year of his reign, in which it was stated that the Citizens of Waterford, had shown to the King, that ships with merchandize frequently touched at the port of Ross "to his great ex-

CALENDAR, A.D. 1862.

In a writ of Henry the Third, dated 26th October, supposed in the fourteenth year of his reign, it is stated that the citizens of Waterford, had shown to the King, that ships with merchandize frequently touched at the port of Ross 'to his great expense and damage, and to the extreme detriment of his city of Waterford.'

pense and damage, and to the extreme detriment of his City of Waterford."

Wherefore he commanded the Archbishop of Dublin, and Justiciary of Ireland, not to permit any ship to touch at that port with merchandize, "to his expense, and the damage of his city otherwise than, as ships were accustomed to touch there in the times of King John, his father, before war moved between him and his barons in England. (Rot. mem. 13, 14^o, Edward II., m. 31. d.)"

There is also on record an inquisition had at Waterford, on the Saturday next, before the feast of St. Nicholas, in the 51st year of the reign of Henry III., in which there is a long detail of grievances connected with the trade and shipping, some of them of rather a violent description, alleged to have been committed by the Burgesses of Ross, in forcing Vessels from Waterford to Ross, to the dishonour of the King, and the prejudice of the liberty of Lord Edward; and concluding thus: and they (scilicet the Jurors) say, that unless correction be applied to those transgressions, the town of Waterford will, in a short time, be seen deserted by men, so that the Lord Edward may be deprived of his revenue arising from the town: moreover, they say, that whereas Henry of Coven-

Wherefore he commanded the Archbishop of Dublin, and Justiciary of Ireland, not to permit any ship to touch at that port with merchandize, 'to his expense, and the damage of his city, otherwise than as ships were accustomed to touch there in the times of King John, his father, before war moved between him and his barons in England (Rot. Mem. 13, 14^o Edward II., m, 31. d.)'

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try, a citizen of Waterford, came to Ross with his ship laden with salt, and sold there, a certain part of the same salt, the said Henry, because he sent his ship to Waterford with the residue of the salt, was attached by his body, and imprisoned by the Commonalty of Ross, until he paid a fine of £12, sterling.....

The charter of incorporation of the borough, by Roger Bygot, formerly Earl of Norfolk, and Marshal of England, is still preserved on record (Rot. mem. 34, 35 Eliz. m. 5.). It contains a long list of privileges, several of which are directed against merchant strangers, and others, for the protection of the burgesses, against claims and oppressions, which are now scarcely known even by name. It acquitted the burgesses of toll, lastage, pontage, and passage, and of all other customs throughout his whole land and power. It mentions the Court of the Hundred, as usual, in charters of that date, and enables the burgesses to elect provosts within their liberty, to be presented to him, if he should be in Ireland, and if absent, to be presented to his seneschal in the town of New Ross, as in the times of his predecessors was usual. The said earl further granted to the burgesses of Ross common of his woods, outside his enclosures, and that they should

citizen of Waterford, came to Ross with his ship laden with salt, and sold there, a certain part of the same salt; the said Henry, because he sent his ship to Waterford with the residue of the salt, was attached by his body, and imprisoned by the Commonalty of Ross, until he paid a fine of £12.

The charter of incorporation of the borough of Ross, by Roger Bygot, formerly Earl of Norfolk, and Marshal of England, is preserved on record (Rot. Mem, 34, 35^o Eliz. m. 5.). It contains a long list of privileges, several of which are directed against merchant strangers, and others, for the protection of the Burgesses, against claims and oppressions, which are now scarcely known even by name. It acquitted the Burgesses of toll, lastage, pontage, and passage, and of all other customs throughout his whole land and dominion. It mentions the court of the hundred, as usual, in charters of that date, and enables the Burgesses to elect Provosts within their liberty, to be presented to him, if he should be in Ireland, and if absent, to be presented to his seneschal in the town of New Ross, as in the times of his predecessors was usual. The Earl further granted to the Burgesses common of his woods, outside his enclosures, and that they should hold their

hold their burgages for ever, with their appurtenances, for the appointed rent of 12d, annually to be paid half at Easter, and half at Michaelmas, and that no assize of victuals be made in the borough, unless by the common consideration of his burgesses. Edward the 3rd, in the forty-ninth year of his reign, granted to the Sovereign, Bailiffs, and commonalty, certain customs for pavage and murage for 20 years.

Richard II...in the first year of his reign...granted to the sovereign, provosts and commons ...towards the repairing of the said town, and the walls and port thereof, a certain capital rent of the said town, extending annually to £4, then being in his hands for certain causes, to hold the same so long as it should happen to remain in his hands. Richard II...in the thirteenth year of his reign, inspected the charter of Roger Bygot, and also certain liberties, usages, and customs, granted to the Burgesses of the town of Kilkenny, by charters of Wm. Mariscal, Earl of Pembroke; and after reciting them at great length, and that the Sovereign, Burgesses, and commons, of Ross, had prayed in parliament that as the said Earl of Norfolk had granted to them to be free throughout his whole land and power, and his lordship in Ire-

burgages for ever with their appurtenances, for the appointed rent of 12d. annually, to be paid half at Easter, and half at Michaelmas, and that no assize of victuals be made in the borough, unless by the common consideration of his Burgesses. Edward the 3rd., in the forty-ninth year of his reign, granted to the Sovereign, Bailiffs, and Commonalty, certain customs for pavage and murage for 20 years.

Richard the 2nd, in the first year of his reign, granted to the Sovereign and Commons, towards the repairing of the town, and the walls and port, a certain capital rent of the town, extending annually to £4, then being in his hands for certain causes, to hold the same so long as it should happen to remain in his hands. The same King, in the thirteenth year of his reign, inspected the charter of Roger Bygot, and also certain liberties, usages, and customs, granted to the Burgesses of the town of Kilkenny, by charters of Wm. Mariscall, Earl of Pembroke; and after reciting them at great length, and stating that the Sovereign, Burgesses, and Commons of Ross, had prayed in parliament that as the said Earl of Norfolk had granted to them to be free throughout his entire land and dominion, and his lordships in Ire-

land, as the burgesses, of Banna, Kilkenny, or Wexford, or any other burgesses of Leinster were, granted the same liberties, usages, and customs, to the sovereign, burgesses, and commons of Ross, their heirs and successors, as he had confirmed to the burgesses of Kilkenny.

Richard II., by letters patent ...in the eighteenth year of his reign, granted to the Sovereign and commons...his custom, within the said town, called the "Coket," for 10 years, to be applied and expended in the emendation, fortification, and reparation of the walls of the said town.

Henry IV....inspected and confirmed the charter of 13 Richard II.

Henry IV. also extended the murage and pavage grant of Richard II. to 20 years...and afterwards granted to the sovereign and Commonalty...the privilege of selling all kinds of victuals, &c., to the Irish enemies, as well in time of peace as of war; in the ninth year of his reign he inspected and confirmed his own previous charter of the 1st April, 1 Henry IV. and further in the following year granted to them the privilege of trading with hides and all manner of other merchandises (corn and skins of martens excepted), to Spain, France, and Brittany; and a similar grant is recorded (Rot.

land as the Burgesses of Banna, Kilkenny, or Wexford, or any other Burgesses of Leinster were, granted the same liberties, usages, and customs, to the Sovereign and Commons of Ross, their heirs and successors, as he had confirmed to the Burgesses of Kilkenny.

The same King, by patent, in the eighteenth year of his reign, granted to the Corporation, his custom, within the town, called the 'Coket,' for 10 years, to be applied and expended in the emendation, fortification, and reparation of the walls of the town.

Henry the Fourth inspected and confirmed the charter of 13^o Richard II.

He also extended the murage and pavage grant of Richard II. to 20 years, and afterwards granted to the Sovereign and Commonalty, the privilege of selling all kinds of victuals to the Irish enemies, as well in time of peace as of war. In the ninth year of his reign he inspected and confirmed his previous charter of the 1st April, 1^o Henry IV., and in the following year granted to them the privilege of trading with hides and all manner of other merchandises (corn and skins of martens excepted), to Spain, France, and Brittany; and a similar grant is recorded (Rot. Pat. 10^o Henry IV., a, 159

Pat. 10^o Henry IV., a 159 d.) By charter dated 20th January, 1 Henry V., the King inspected and confirmed the charter of 9 Henry IV., with the addition of the following privileges; that the Sovereign should take cognizance of all personal pleas and pleas for lands, rents, and services within the franchises; that he should be escheator, coroner, searcher, justice of the peace, justice of labourers, and clerk of the market. That all suits of the inhabitants, or questions arising within the town be tried before the Sovereign. The Sovereign, Bailiffs, and Commons, to have all fines and forfeitures for offences against the Crown, as well as for other offences, forfeitures, waifs, and strays, chattels of felons and fugitives, escapes of felons, amercements, and forfeitures of meat, bread, beer, and other victuals; also the custom of the cocket, without accounting to the King's officers; that the town should enjoy all the rights and liberties of Waterford, both by sea and land, and that it might have power to treat with the Irish enemies.

This charter was inspected and confirmed by a Parliament held at Westminster, 22nd March, 20^o Henry VI. Edward IV., in the ninth year of his reign, inspected and confirmed the foregoing, and also granted an extension to New Ross, of all the

d.). By Charter dated 20th January, 1^o Henry V., the King inspected and confirmed the charter of 9^o Henry IV., with the addition of the following privileges; that the Sovereign should take cognizance of all personal pleas and pleas for lands, rents, and services, within the franchises; that he should be escheator, coroner, searcher, justice of the peace, justice of labourers, and clerk of the market. That all suits of the inhabitants, or questions arising within the town be tried before the Sovereign. The Sovereign, Bailiffs, and Commons, to have all fines and forfeiture for offences against the Crown, as well for other offences, forfeitures, waifs, strays, chattels of felons and fugitives, escapes of felons, amercements, and forfeitures of meat, bread, beer, and other victuals; also, the custom of the cocket, without accounting to the King's officers; that the town should enjoy all the rights and liberties of Waterford, both by sea and land, and that it might have power to treat with the Irish enemies.

This charter was inspected and confirmed by a parliament held at Westminster, 22nd March, 20^o Henry VI. Edward the Fourth, in the ninth year of his reign, inspected and confirmed the foregoing, and also granted an extension to New Ross, of all

privileges of Waterford, by land and water.

By charter of 18th February, 1 Henry VIII., the King inspected and confirmed the charters of 28th February, 1 Richard II., and 10th January, 9 Henry IV.; the inspeximus of 6 November, 28th Henry VI.; and the grant of 17th July, 1 Richard II. •

This was again inspected and confirmed by charter of 16th April, 2 Edward VI. (Rot. mem., 34^o Eliz. m, 4, d.)—“*Report from Commissioners*,” 1835, Vol. viii. pp. 557-9.—*Corporations Ireland, Appendix; Parts i. and ii.—Session 19 February, 10 Sept. 1835.*

the privileges of Waterford, by land and water.

By charter of 18th February, 1^o Henry VIII. the King inspected and confirmed the charters of 28th February, 1^o Richard II.; and 10th January, 9^o Henry IV.; the inspeximus of 6 November, 28^o Henry VI.; and the grant of 17th July, 1^o Richard II.

This was again inspected, and confirmed, by charter of 16th April, 2^o Edward VI.; (Rot. mem., 34^o Eliz.m. 4, d.)
Calendar, Vol. ii. pp. 110-12.

The late William E. Hudson was one of the Municipal Corporation Commissioners, and those acquainted with his munificence and zeal in essaying to promote literature in Ireland, will feel indignant at the attempted appropriation of his labours and suppression of his name in the pages of the “Calendars.” Worse, however, is the plagiarism above italicised of portion of the labours of the late John O’Donovan, in *Gaelic and English*! Within six months from the decease of this laborious and disinterested Celtic scholar, his literary remains—the chief property of his orphans—were thus filched and placed before the world as new productions in the pages of the “Calendars,” in no portion of which is there either reference to or mention of the honoured name of John O’Donovan, to whom the archaic Gaelic literature of Ireland owes a debt so profound, that Ben Jonson’s lines to Camden may with truth be applied to his labours which, in that department, have

eminently conduced to advance the reputation of native Irish learning :

—“ Most reverend head, to whom we owe
 All that we are in arts, all that we know— ;
 (How nothing’s that !) to whom our country owes
 The great renown, and name wherewith she goes !
 What name, what skill, what faith hadst thou in things !
 What sight in searching the most antique springs !
 What weight and what authority in thy speech !
 Men scarce could make that doubt, but thou couldst teach,
 Many of thine this better could than I ;
 But for their powers, accept my piety.”

To enable the Public to complete their estimate of the plagiaristic character of the Calendars it only remains to exhibit the light in which *honest* men in England view such violations of the Eighth Commandment—and on this point one of the foremost of English writers, in our own day, has delivered judgment as follows—after long and costly experience of the many evils resulting from literary chicane :

“ Polite circumambient phrases water villany and folly, and keep them alive to all eternity. Calling smooth, subtle rascality by a rough and true name, blights it in one year, fifty, or a hundred.—It is a fatal, though almost universal error, to assume that there are vital distinctions between the literary pirate and the Newgate thief. There is not one *vital* distinction of any sort between them. True, many of the latter are mere snatchers ; but so are many copyright thieves : true, the indirect pirate invests some little labour ; but so do all the higher class of Newgate thieves : in fact, they invest not only as much labour as the adapting, abridging, or kidnapping pirate, but also capital, which the scribbling pirate never invests... A gang of thieves once travelled up and down in the Manchester mail for two years, and paid the Government several hundred pounds. Here was honest labour far beyond any literary

pirate's. Yet when at last they succeeded in robbing the mail of ten thousand pounds, it was not accounted to them for righteousness. Yet, they had a much stronger case than the [literary] pirate...prejudice and partiality apart."*

ANALYSIS OF THE TEXT OF THE CALENDARS—continued.

ii.—*Patents Entirely Omitted.*

The list already given, at page 62, of a portion of the important patents which, although passed under the great seal, are entirely omitted in the Calendars, sufficiently demonstrates, that in researches connected with history, title, pedigree, or property, these volumes are entirely misleading. As a complete catalogue of these omitted Patents would occupy an extent nearly equal to that of the so-called "Calendars," it will suffice to mention here the following specimens of the numerous similar grants unnoticed in these volumes which have been *officially* certified as "quite complete and without any omissions:"

- 1540 To Robert Dillon, in consideration of £380 7s. 3d., the Crown's reversion in the fee simple of the possessions of the religious house of St. Peter's, Newtown, Co Meath; 22 July, 32 Henry VIII.
- 1541 To Thomas Eustace, lord of Kilcullen, the dignity of Viscount Baltinglass, also the possession of the abbey or monastery of Baltinglass, and twenty-four specially named grand denominations of land; 30 June, 33 Henry VIII.
- 1542 To Sir A. St. Leger, Knight, the possessions of the monastery of St. Mary's of Trim, together with fourteen townlands specially named, and six rectories in the County of Meath; 14 November, 34 Henry VIII.
- 1544 To William Brabazon, the site of the Monastery of St. Thomas' Court, near Dublin, with its possessions, tithes and manorial rights specially described; 31 March, 35 Henry, VIII.

* "The Eighth Commandment," by Charles Reade: London, 1860.

- 1555 To Sir Henry Sydney, Knight, the offices of Treasurer at wars, Receiver General, and Vice Treasurer of Ireland; 27 April, 2 and 3, Philip and Mary.
- 1563 To Oliver Grace, the religious house of St. John's, near Nenagh, Co Tipperary, with divers specially described lands and tithes; 28 September, 5 Elizabeth.
- 1563 To Thomas Earl of Ormond, the Monastery of Holy Cross, Co Tipperary, and various specially described lands in Tipperary, Kilkenny, Carlow and Kildare; 20 October, 5 Elizabeth.

A further commentary on the veracity of the *official* allegation that the Calendars are "quite complete and without any omissions," is furnished by the following figures referring to one class of documents—

Patents granted by Queen Elizabeth of lands forfeited in the Desmond wars, conveying acres, English measure...	574,628
Of above Patents <i>four only</i> either entered in, or referred to, by the "Calendars"—conveying acres, English measure	55,900
<hr/>			
Grants of "Desmond" lands consequently omitted from Calendars to the extent of	...	518,728 acres.	

These omitted Patents, embracing over *five hundred thousand acres*, constitute the title deeds of some of the present chief proprietors in Cork, Kerry, Waterford and Limerick!

Among the omitted documents of another class are some of pre-eminent interest for illustrating the biographies of individuals of world-wide reputation, whom circumstances brought into connection with Ireland. Of these I may adduce the instance of Edmund Spenser—

"Call'd from Faëry-land,
To struggle through dark ways." *

* Wordsworth.

These so styled "Calendars of Rolls of *Chancery* in Ireland," contain, however, no entry either of Spenser's appointment to an office in the Irish *Chancery* Court, of the records of which they are *certified* to be faithful repertoires—"quite complete and without any omissions!" Neither do they mention the grants made to Spenser, including that of Kilcolman, where he composed part of the "*Fäerie Queen*," and from his house at which, on 27th December, 1592, he addressed his "*Colin Clout's come home again*," to the "*Shepherd of the Ocean*," Sir Walter Raleigh. These omissions may be supplied as follows:

- 1580 Edmund Spenser appointed Register or Clerk of the Chancery of Ireland, for the faculties. Patent 22 March, 1580.
- 1581 Grant, without fine, to Edmund Spenser, of a lease of the site ambite, circuit and precinct, of the late house of Friars, called New Abbey, in the County of Kildare, and all houses and buildings within said site, 3 small gardens, one orchard, one park containing 5 acres, and one water mill within said site, with their appurtenances; also one old waste town, village or hamlet, to same adjoining, containing 12 acres of land, with all cottages, lands, tenements or other hereditaments whatsoever to same incident or appertaining. To hold for 21 years from date hereof; at a Rent of £3 Irish per annum:—covenanting to pay and bear all proxies, sinodals, stipends of curates, pensions, rents, services and all other charges, as well ordinary as extraordinary; not to alien nor dispose of the premises without license from the Lord Deputy, except to one of the English nation both by father and mother, or born within the English Pale; not to take exactions called 'coyne and livery' nor to allow others to do so; 24th August, 24 Elizabeth.
- 1581 Grant, in consideration of twenty shillings fine, of a lease to Edmund Spenser, of the site, ambite and precinct, of the late House of Friars of Enniscorthy, County of Wexford, and all houses and buildings near the said site; one water mill by the said site; one orchard there and 6

acres of land in the East side of the said late Friary or house, parcels of the possessions of the said late house of Friars, with their appurtenances in the County of Wexford. The Manor of Enniscorthy, one ruinous castle, 6 messuages, 240 acres of arable land, and 20 acres of pasture, in the town of Enniscorthy; one old weir there, 120 acres of arable land and 20 acres of pasture, in the town of Garrane; 180 acres of arable and 50 acres of pasture in the town and fields of Kilkevane, one old castle, 6 messuages and 20 acres arable land in the town of Loughwertie, and 120 acres arable land and 30 acres pasture in the town of Barrickrodin and Ballinsparke; and the customs of boards, timber, laths, boats bearing victuals and of lodges during the fair there, articles to be sold there, and fishings, with their appurtenances, belonging to the manor of Enniscorthy; withall other messuages, &c. to said Friary and manor belonging—woods and underwoods excepted. To hold for 21 years from date. At an annual rent of £13. 6. 4; Covenanting to find and keep an able horseman of the English nation for defence of the Realm; 6th December, 24 Elizabeth.

- 1591 Grant to Edmund Spenser of the manor and castle of Kilcolman, with other lands, containing 3,028 acres, in the barony of Fermoy, Co Cork, also chief rents forfeited by the late Lord of Thetmore, and the late traitor, Sir John of Desmond; Patent 26th October, 1591.

The serious disservice done to *English* literary history by the imperfect mode in which the Calendars have been put forth is strongly illustrated by the foregoing omissions in connection with so eminent a writer, who "threw the soul of harmony into English verse, and made it more warmly, tenderly, and magnificently descriptive than it ever was before, or, with a few exceptions, than it has ever been since." From the discreditable and chaotic state of the Irish Public Records, previous writers, including the latest and most laborious investigators* of Spenser's history

* "*Athenae Cantabrigienses*," by C. H. Cooper, F. S. A., and T. Cooper, F. S. A. Cambridge: 1861. Vol. ii. page 258.

appear to have had no acquaintance with the grant made to him, as above noticed, of Kilcullen Abbey, in 1581; while, no doubt, from the same cause, the editors of "*Athenae Cantabrigienses*" fell into the error of setting down the rent which he paid for Enniscorthy, at £300. 6s. 4d., instead of £13. 6s. 4d.

Among various other omissions of this class in these Calendars, one may be noticed of high interest, as supplying a long missing link in connection with Spenser and the English authors of Shakespeare's time. Great obscurity has hitherto involved the history of an English writer named Lodovico, Lodwick, or Lewis Bryskett, an intimate friend of Spenser, who, in reply to his entreaties for the completion of the "*Fäerie Queen*," addressed him a sonnet:—

"But Lodwick, this of grace to me aread;
Do ye not think the accomplishment of it,
Sufficient worke for one man's simple head,
All were it, as the rest, but rudely writ.
How then should I, without another wit,
Think ever to endure so tedious toyle?"*

Bryskett is now recognized as author of the poem of Sir Philip Sydney's death, entitled the "*Mourning Muse of Thestylis*," long supposed to have been written by Spenser; and much regret has naturally been felt that we should know so little of a poet of such high merit. †

Bryskett's early connection with Spenser is, however, explained by some official documents which show that he acted as Clerk of the Privy Council of Ireland, so early as 1571, and that he was appointed to the newly created

* "*Amoretti and Epithalamion*, written by Edmunde Spenser." London; 1611.

† *Poetical Decameron* by J. P. Cellier. London: 1820. i. 98-99

office of Register of the Chancery in Ireland, for the faculties, by Patent dated 11th April, 1577, likewise omitted from these so-called Calendars of the *Chancery* records!

Lord Grey of Wilton, Deputy of Ireland, with whom Spenser came over, as Secretary, also patronized Bryskett, who was appointed Clerk of the Council in Munster, after his situation in the Chancery Court had been transferred to the author of the "*Fæerie Queen*," as above noticed, in 1580. Malone, the Shakespeare Commentator, considered that Bryskett's "*Discourse of Civil Life*" was written between 1584 and 1586, during his tenure of the Munster Clerkship, his appointment to which does not appear in these Calendars, although they record that he surrendered it to Richard Boyle in 1600.

In concluding this second section I have to observe that no justification can be offered for the omission of the vast number of important grants unnoticed in these volumes, which purport to be not only "*Calendars of the Patent and Close Rolls of Chancery of Ireland*," but also to supply such chasms as may exist in these documents by the introduction of *extraneous* matter, to the enormous extent exhibited under the head of "*Plagiarisms in the text*."

ANALYSIS OF THE TEXT OF THE CALENDARS—continued.

iii. *Of Documents Calendared so imperfectly as to be misleading and valueless.*

Having already demonstrated, page 64—66, that the grants of offices and of pardons have been calendared in these volumes in a mode which renders them unserviceable in either historical or legal inquiries, we have now to consider the grants of lands.

Documents connected with property, pedigree and title, will naturally be regarded by many as of higher import-

ance than such literary and historical curiosities as ancient State Papers and Correspondence, and I shall now proceed to show, that the grants of lands have been calendared in these volumes in a style which would not be tolerated in the Calendars of State Papers and Letters, published under the Treasury in England. On these points we find the following excellent passages in the instructions issued by the Master of the Rolls in England to the editors of the Calendars of State Papers :

"The greater number of the readers who will consult and value these works can have little or no opportunity of visiting the Record Office, in which these papers are deposited. The means for consulting the originals must necessarily be limited when readers live at a distance from the metropolis ; still more if they are residents of Scotland, Ireland, distant colonies, or foreign states. Even when such an opportunity does exist, the difficulty of mastering the original hands in which these papers are written will deter many readers from consulting them. Above all, their great variety and number must present formidable obstacles to literary inquirers, however able, sanguine, and energetic, when the information contained in them is not made accessible by satisfactory Calendars.

The Master of the Rolls [in England] considers that, without superseding the necessity of consulting the originals, every editor ought to frame his Calendar in such a manner that it shall present, in as condensed a form as possible, a correct index of the contents of the papers described in it. He considers that the entries should be so minute as to enable the reader to discover not only the general contents of the originals, but also what *they do not* contain. If the information be not sufficiently precise, if facts, and if names be omitted or concealed under a vague and general description, the reader will be often misled, he will assume that where the abstracts are silent as to information to be found in the documents, such information does not exist ; or, he will have to examine every original in detail, and thus one great purpose will have been lost for which these calendars have been compiled."

The "Calendars" under consideration will, however, be found to embody not only all the defects against which editors are above warned, but also a variety of errors which

could scarcely have been anticipated in the work of any compiler presumed to be even proximately competent for his task.

In some cases the "Calendars" name the lands of which grants are entered on the Patent Rolls, but omit to mention the counties in which they were situated; to vary the blundering, we find in other instances the names of the lands not given, but those set down of the counties in which they lay.

The following are specimens of both classes of these imperfect entries:

"Grant to John Keatinge of lands in the Queen's County; To be held by him and his heirs male of the Castle of Maryborough, by military service.—March, 16, 5°. Elizabeth.—*Calendar, Vol. I.* p. 483.

- "Grant to Hugh M'Dermott O'Dempsie, of Loghyn, of lands in the Queen's County; To be held by him and his heirs male of the Castle of Maryborough, by military service.—March 30, 5°. Elizabeth.—*ib. ib.*

"Grant to Sir Denis O'Grada, knight, in consideration of his submission, of the manors and lordships of Kylluchulybege, Kylluchulymore, Seanboyronayn, Kyllokenedy, Clony, Kyllchomvrynan Enock, M'Prochayne, and a moiety of Kiltula, which he and his ancestors had intruded upon; To hold to him and his heirs male 'in capite,' by the service of one knight's fee. Jan. 5, 35°. Hen. VIII.—*Calendar, ib.* p. 104.

"Grant to William Eustace of the manor of Castlemarten and of the lands of Brenogstowne, Carnalvey, Roestowne, Morestowne-Cornelscourte, Millotstowne, Baltrasney, Coverstowne Uske, Brownestowne, Milton, Loghbratoke, Martenstowne, Little Bole, Kilocullen, Tippenan, Clongoeswood, Upper Baron, Harrestowne, Silliotehill, Surdalstowne, and certain messuages and lands in Kilcoke, called Birminghams Land."...Nov. 6. 34 Elizabeth, *ib.* Vol. ii. p. 339.

In other cases neither lands nor Counties are named, as in the following instance:

"Patent Rolls, 17° Elizabeth, 1574.

Grant to the Earl of Ormond of several lands lying in several counties. Feb. 25, 17°.—*Calendar, Vol. I.* p. 555.

Even the entries which purport to be full abstracts of enrolments will, when tested, be, for the most part, found to omit important lands and other hereditaments enumerated on the original roll. Of the defective entries of grants of land the following are specimens—the portions italicized being totally omitted in the Calendars:

ABSTRACT OF GRANT AS PRINTED IN THE CALENDARS.

“Grant to Robert S. Leger and his heirs, of the manor of Kill ; in the county of Kildare, parcel of the possessions of the late monastery of Thomas Court, near Dublin, for a fine of £61. 2s. 6d. ; To hold to him and the heirs male of his body, with reversion to the Crown, to be held in capite by the 40th part of one knight's fee, at the yearly rent of 13s. 4d. Jan. 5, 37°.”—*Vol. i.* p. 119.

CORRECT ABSTRACT OF GRANT AS ON THE ROLL.

[The Italics denote the omissions in the so-called Calendars.]

Grant from the King to Robert Sentleger, Esq., in consideration of his services, and of the sum of *two hundred and sixty one pounds two shillings and six-pence Irish*, of the entire lordship or manor of Kyll, *with all the rights and members thereof; all the 6 messuages, 11 cottages, 93½ of land, and all the free rents, work, and customs in the town of Kyll; a small castle, 60 acres arable and 7 acres meadow, in the town of Artewell: 5 messuages, a castle, 100 acres arable, 4 acres meadow, and the entire common within the town of Arteston, otherwise Arthurston, otherwise Artoleston; in Nycholston, 66 acres; a messuage or castle, 12 acres arable, and 18 acres arable, in the fields called Arterslande; in Ballybrogge, 200 acres of pasture and moor; the rent of 2s out of Baronsraghe, otherwise Baronratha; in Alestounne, otherwise Alenestown, 10 acres arable and 4 acres wood, and all other hereditaments in the aforesaid towns, being the estate of the late monastery of Thomas-court, near Dublin, and all which were extended [surveyed] to the clear yearly value of £13 14s 10½d sterl., (except 40s chief rent issuing out of the lands and tenements of Thomas Talbot, of Dardieston, now lately called Geffries land, and the tithes, alterages, and oblations of all the premises.)* To hold to him and his heirs for ever, ‘in capite,’ by one fortieth part of one knight's fee, *and the rent of 13s. 9d sterling, payable yearly at the feast of St. Michael.*—5 Jan. 37th Henry VIII.

ABSTRACT OF GRANT AS PRINTED IN CALENDARS.

"Grant to John Travers, of the manor of Rathmore, in Leinster, with the castle and mill there; and 120 acres of land in Rathnekyll, or Rathorkyll, 100 acres in Monefyne, 200 acres in Bovestown, 60 acres in Knokkenynge, and 100 acres in Butlerstown, parcel of the said manor, with other lands in Leinster; to hold to him and the heirs male of his body, with reversion to the Crown; To be held 'in capite' by knight's service at a rent of 10 marks.—Signed Stanyhurst." No date. Vol. i. page 116.

CORRECT ABSTRACT OF GRANT AS ON THE ROLL.

[The Italics denote the omissions in the so-called Calendars.]

Grant from the King to John Travers, one of the Ushers of his chamber, in consideration of services, and especially in the wars of Ireland: The entire manor of Rathmore, otherwise Ramore in Leinster, with all its rights and members, and the castle and water-mill there; in Rathnekyll, otherwise Rathorkyll, 120 acres arable; in Monefyne, otherwise Monfyne, 100 acres arable; in Broneston, otherwise Boyestone, 200 acres; in Knockenynge 60 acres; in Butler's Courte 100 acres; all other lands, &c, belonging to the said manor in Rathmore, Phillipestown, Eddestowne, otherwise Eddeston, Ballytas, Colenshill, or Collushill, otherwise Clonshyll, Ballycane, otherwise Plowland, Tyrhill or Tyrrtyll, Sheyocks, Old Ponchestowne, Russells-towne, Humfrayestowne, otherwise Umfreyston and Tollaghferrys or Tollaghferreis:—Meath, Dublin, and Kildare Cos. In Heyneston, the site of the castle and all the 80 acres, the estate of Sir James Fitz-Gerald, Knight, lately attained; in Agrett and Little Newton, the estate of the same, 100 acres; in Ratoole the site of the castle, and 80 acres; in Rassallaghe, and Ballyodde, otherwise Ballytyltas, 100 acres; the 3 fortresses and castles near the mountains of Balore, otherwise Ballygore, and Commenstown, with 250 acres arable; in said Ballygore 60 acres arable; in Commenstown 60 acres arable; the castle and fortress, 9 messuages, 40 acres arable, and 60 acres underwood, pasture and moor in Hollywood; in Whytston, or Whitteston, 28 acres arable, and 20 acres pasture, the estate of the said Sir James Fitz-Gerald; 4 messuages and 13 cottages, 207 acres arable, meadow and pasture, with the Grange, in Carrickbreynan, otherwise Monketon; the chief messuage, 3 turrets, all the orchards and inclosures, containing 5 acres pasture, with 120 acres arable, 6 acres meadow, and 2 cottages in said Monketon; a messuage, 80 acres arable, 20 acres pasture, and 1 acre meadow, in Newton: the estate of the late monastery of the B. V. Mary, near

Dublin, Dublin Co.—A messuage and 60 acres arable, pasture and bog in Cornelle's Court, the estate of the late abbey of Lassemolen, Carlow Co.—the Grange called Muckgrange or Muchegrange, with the castle, messuage and demesne lands of Grange, 174 acres arable; the little Grange with a messuage, 2 cottages, and 120 acres arable;—the entire manor of Graungeforthe with the chief messuage and castle, 80 acres arable, 2 acres meadow, and 4 acres pasture, and the tithes of said manor being collected in Lyttelton, Ballygory, Glenocke, Rathveon, and Olyncloghe; 4 messuages, 2 cottages, a watermill, and 120 acres arable in Gylton; the estate of the late abbey of Baltinglas:—with power to hold courts leet or views of frankpledge, and assise of bread, wine and beer, of all the inhabitants or others within the premises: all which were of the clear yearly value of £99 18 8 Irish,—to hold to him and the heirs male of his body, remainder to the crown, by one twentieth part of one Knight's fee.—Rent 10 marks English, payable at Michaelmas.—20 Jun. 37th.

ABSTRACT OF GRANT AS PRINTED IN THE CALENDARS.

"Grant to Sir Osborne Itchingham, Knight, and the heirs male of his body, of the monastery of Donbrody, the grange of Donbrody, three fishing weirs, mills, and tithes, the customs of the town of Coule, and all the possessions of the dissolved monastery, in the county of Wexford; to hold in capite by knight's service, that is, by the 40th part of a knight's fee, at a rent of £3 10s 6d.—Octr. 4, 37."—Henry VIII., Vol. i. p. 118.

CORRECT ABSTRACT OF GRANT AS ON THE ROLL.

[The Italics denote the omissions in the so-called Calendars.]

Grant from the King to Sir Osburne Itchyngham, Knight. The site and circuit of the late monastery of Donbrodi; all the Grange of Donbrodi; *the 20 acres of arable, meadow, and pasture of the demesne lands of the said grange, with the tithes thereof, 4 messuages and 60 acres arable, pasture, and wood, with the customs thereof*; the 3 fishing-weirs, the water-mill, and all the tithes of the town of *Dumbrodi*; a messuage and 60 acres arable, pasture, and moor in the town and parish of *Cowle*, with the tithes and customs thereof; in the towns and parishes of *Shilbe-kan and Ballypadre*, 120 acres, with the customs and tithes; in the town and parish of *Batayleston*, 120 acres; in the town and parish of *Olounarde*, 60 acres; in the town and parish of *Kilbryde*, 60 acres; in the parish and town of *Duncanan*, 80 acres, with the fishing stream and customs; in the parish and town of *Clonsharragh*, 60 acres, with the customs and tithes of said town; in the parish and town of *Ballygowyn*,

180 acres; in the parish and town of Newbridge, 20 acres, with the customs and tithes of the town of Newbridge; in Ballyhake, 9 tenements and 8 cottages, with the customs and tithes of fish of said town; in the parish and town of Kilheale, 60 acres, with the customs and tithes thereof; in the parish and town of Rammy's grange, 120 acres, with the customs and tithes; in Boderamsbuss and Rathroe, 60 acres, with the customs and tithes of said towns; in the parish and town of Roweston, 40 acres, with the customs and tithes of said town; in the parish and town of Ballynroye, in Conaght, 60 acres, waste; all other messuages, lands, &c., whatever belonging to the Crown, now waste, within the parishes and towns of Ballydoran Calaghton, Newe Haggard, Knockansowne, and Polmolowhe; in the parish and town of Kilmahowe, 30 acres, and the tithes of that town; 3 messuages in Waterford, all of the clear yearly value of £35 4s 8d Irish, the estate of the said monastery of Dunbrodi. —To hold to him and the heirs male of his body, 'in capite,' by the service of one fortieth part of one knight's fee, and the rent of £3 10s 6d by the name of one tenth part.—4 Oct. 37th. Henry viii.

The preceding examples are from a single year of one reign—and similar specimens might be adduced to the extent of several hundred pages, exhibiting the imperfect and valueless form in which the grants of lands have been calendared in these volumes,—which, nevertheless, have been *officially* certified to be “quite complete and without any omissions!”

Such omissions may entail serious pecuniary losses to individuals, since legal investigators, accepting these volumes as faithful official indices to the Rolls, will be misled into concluding lands to have clear titles, although, in reality, subject to heavy reversionary claims, the entries of which on the Rolls are at present inaccessible to the public, in consequence of the defective mode in which the so-called “Calendars” have been compiled.

These omissions and inaccuracies in connection with grants of lands are also gravely prejudicial to the Chorographer, the local historian, and the local proprietor.

The Calendars totally ignore the admirably scientific

system, initiated by Sir Thomas A. Larcom in the Ordnance Survey, of tabulating chronologically the various documentary and colloquial forms of the name of each townland in Ireland, the valuable results of which appear on the Ordnance Maps, and in the recently published elaborate Index of nearly one thousand pages, enumerating separately and precisely the names, areas, counties, baronies, parishes, and other details of upwards of 62,000 Irish townlands and towns.*

In competent hands one section of the Calendars of Anglo-Irish Records might have been made the complement of this important national work—but, instead of accuracy and precision in connection with the land entries, the volumes before us present a chaotic combination of errors, defects, and omissions, which, but for the present exposition, might have led the world to conclude that the science and intelligence of Ireland had suddenly retrograded with giant strides.

‡ ANALYSIS OF THE TEXT OF THE CALENDARS—continued.

iv. *Of incorrect abstracts, inaccurate decipherments, and false translations of Documents on the Rolls.*

To exemplify the first of these classes we need not

* "General Alphabetical Index to the townlands and towns, parishes, and baronies of Ireland, showing the number of the sheet of the Ordnance Survey Maps, in which they appear; the areas of the townlands, parishes, and baronies; the county, barony, parish, and poor law union, in which the townlands are situated; and the volume and page of the townland census of 1851, which contains the population and number of houses in 1841 and 1851, and the poor law valuation of 1851." Dublin: Thom, 1861. See also a valuable paper by Sir T. A. Larcom, prefixed to the Irish Relief Correspondence, in the Board of Works Series, 1847, on the "Territorial divisions of Ireland." Further information on this subject will be found in the Proceedings of the Royal Irish Academy.—*Vol.* vii. p. 473; and *Vol.* viii. p. 39.

travel beyond the documents detailed in the Calendars connected with the well known Cathedral of St. Patrick, Dublin. At page 152 of the first volume of the Calendar we find the following entry :

" King's letter relating to the Cathedral of St. Patrick, in the city of Dublin ; observing that the Church was surrendered to his Majesty by virtue of a Commission directed to Sir Anthony Scutleger, Knight, the Lord Deputie, and others; and directing that the Commissioners should survey the yearly value of the manors, lands, and impropriations belonging to the Cathedral, and the rents and charges arising thereout, to ascertain what portion belonged to the Dean, residennaries [*sic*] and ministers, and how the same was used and employed ; instructing the Commissioners to make an inventory of the plate, ornaments, and jewels, of the Cathedral ; and so much thereof as should be considered convenient for the furniture of the Cathedral, should be delivered to the Dean and Chapter, another portion to be appropriated to the use of the parish church, and the remainder to be delivered to Sir William Brabazon, the Vice-Treasurer, to be kept for his Majesty until his pleasure be known ; assigning to the Dean, Prebendaries, Fellows, and other ministers of the Cathedral, such pensions as in their discretion should be thought reasonable, and directing that the officers and servants should have their wages ; and for the augmentation of Divine Service in the Cathedral, his Highness directs six priests and *eleven* children, choristers to be added—each of the priests to be paid an annuity of ten marks, and each of the children choristers four marks yearly out of the Exchequer. *No date.*"

The original of the foregoing document, described in the Calendars as of "*no date*," was attached to the letters patent of Edward VI., addressed to the Commissioners, dated at Westminster 24th of March in the first year of his reign, and specially referred to as connected with that instrument, in the following words : "*omnia et singula, quæ in articulis et instructionibus, præsentibus annexa, exprimuntur et specificantur.*"

According to the Calendars, as above quoted, the Commissioners were instructed to hand over portion of the

plate, ornaments, and jewels of the dissolved Cathedral of St. Patrick, to its Dean and chapter—then not in legal existence !

The following extract from the original document—of which the entry in the Calendar *purports* to be an abstract — will show that the Commissioners were specially directed to transfer a portion of the valuables referred to—*not* to St. Patrick's Cathedral, but to Christ's Church :

" And that our said Comyssioners shall make out true and perfitt inventori of all the plate, ornamentis, and jewellis of the said Cathedrall Church, [of St. Patrick] the daye of the said surrendyr taken thereof, to gyve for us and in our name to the Cathedrall Church called Cristes Church, wythin our seid citie of Dublin, suche and so moche of the seid plate, jewellis and ornamentis as to ther dyscretione shall be thoght mete and convenient, for the better furniture of the same Cathedrall Church to be delivered of our gyfte, to the Deane and Chapter of the said Church, by byll indentid betwene them and our seid Comissioners."*

The Calendar, as above cited, further incorrectly represents " his Highness " to have ordered that the staff of the *suppressed* Cathedral of St. Patrick should be increased by the addition of six priests and *eleven* " children choristers ; " but the following passage from the original instrument shows that the augmentation was to be made to *Christ's Church, not to Patrick's*—and that the number of the children was *two, not eleven !*

" And, moreover, we will that, for the better augmentations and mayntenance of divine service to be kepte in the seid Cathedrale Church, called Cristes Church, in our citie of Dublin, our seid Comyssioners shall encrease the ministers of the seid Cathedrale Church by the number of six priests and two children correstours,

* History of St. Patrick's Cathedral by W. M. Mason, 1820, page 152.

150 *A Kildare Rectory deciphered into a Dublin Church!*

more than be nowe in the same at this present; appoyntinge to every one of the seid pristis one annuitye or pencion of ten markys sterlinge, and to every one of said children queresters four markys sterlinge, for ther sufficiente livinges, yerelye, to be payd to them out of our receypte or our seid Eschequier." *

The version given (Calendar, vol. i. p. 331) of the charter from Philip and Mary to St. Patrick's, represents the Church of St. Audöen to have been conferred upon the Precentor of the Cathedral, whereas the original document, as is well known, assigned it to the Treasurer, by whose successor in office it is still held! Among other ludicrous errors in the version of this charter may be mentioned one by which the Calendar metamorphoses the rectory of Ardry, containing 496 acres, in the county of Kildare, into the church of St. Andrew in Dublin!

As a final link in the concatenation of errors in the documents connected even with an institution so well known as St. Patrick's, as given in these volumes, I may notice that the translation of the charter of the restitution of the cathedral (vol. i., page 525) totally omits the important clauses contained in the original enrolment, relative to the division of the parish of Swords, on which was founded the college of Minor Canons and Choristers!

In further exemplification of the subjects embraced under the present section, I shall examine the mode in which these Calendars present to the public the contents of another class of documents—namely, the municipal Charters, the value and importance of which, in tracing the progress of the liberties of the people, and the civilization of former ages, has been ably shown in the works of Guizot, Augustin Thierry, and other writers of eminence, both in France and England. Several of these documents are entered on the Patent Rolls of Chancery, and among other matters

* History of St. Patrick's, by Mason, page 153.

they enumerate the commodities in ordinary use, at the time of their execution, on which customs or tolls were levied, when brought to market in the towns to which the charters were granted—thus furnishing illustrations of the history of commerce and social progress. The following extract from page 210 of vol. ii. of the *Calendars* will afford a specimen of the mode in which these charters have been deciphered and translated from the Patent Rolls, in cases where material was not plagiariseable from the labours of the Municipal Corporation Commissioners, already noticed :—

“Charter of Clonmel :—Edward the Fourth, grants to the provost, bailiffs, and good men of Clonmel, license to take the following tolls from goods and merchandize coming to the town for sale, viz.—

For every bolt of Isinglass, $\frac{1}{2}$ d ;
For every piece of cloth of flys (or flegs), 1d.;
For every head of yarn, 1d.;
For all kinds of haberdashery of the value of 1s., $\frac{1}{2}$ d ;
For every frail of batter, $\frac{1}{2}$ d.;
For every seal of the value of 5s., 1d.;
For every load of hay, 1d.;
For 100 lamb felts, $\frac{1}{2}$ d.;
For 100 wool felts, 2d.;

To be collected and received for ten years, for the purpose of enclosing the town ;... Witness James le Botiller, Earl of Ormond, at Ross, 12 July, in the 38th year of the reign of Edward the Fourth.”

We are above specifically assured that this Charter was granted in the 38th year of Edward IV.—rather a novel fact in English history, since, according to the usually received accounts, that monarch died in the 23rd year of his reign, A.D., 1483 ! Here, in the first place, we have an error of 119 years, as the Charter itself was really granted in the year 1364, in the reign of Edward the Third, while James, Earl of Ormond, was Lord Deputy of Ireland, in which

capacity his attestation was attached to the document. The first entry in the above extract will surprise those who now learn, on the authority of the Calendars, that *isinglass* was sold on market days in Clonmel, County of Tipperary, by the *bolt*, in the middle of the fourteenth century! The entry, however, on the Roll is—"de quolibet bolte de Eylesham," meaning for every bolte or piece of stuff styled Eylesham, or Aylesham, from the town of that name in Norfolk, where these materials were extensively manufactured in the fourteenth century, when they were well known as Ayleshams or Eyleshams,—as worsted acquired its name from the village of Worsted in the same county.*

The term "bolte," still applied in Norfolk to a measure of 28 ells, appears in various Anglo-Irish Charters of the fourteenth century, in connection with Aylesham stuffs, then common articles of trade; as in the pontage grant from Edward II., A.D., 1310, to Robert De Caunteton, which specifies the toll to be taken—"de quocunque bolte de Aylesham, cujuscunque coloris"—of every bolte of Aylesham, irrespective of colour. John Florio, in 1611, explaining the Italian word "rotolo," mentions that it was a kind of measure of linen cloth, "as" he adds, "we say a *bolt* of holland cloth."

* The name of this town is diversely spelled in old English records—Aylsham, Aillesham, Ailsham, Aylesham, and Eylesham. "Aillesham, forum non infrequens"—Britannia Camdeni, London: 1607, page 349; Holland's English Version, London 1637, page 478; Gough's edition, London: 1789 ii, page 110; and Fuller's "Worthies"—London: 1811, ii, 125. Enactments for suppressing frauds in the manufactures of Norfolk form the subject of the tenth chap. of the Statute 20 Henry VI. A.D. 1442, which recites that worsted "fuist ascun temps beau marchandise, et graundement desirè et aimè en les parties de pardela." See also chaps. 1 and 2 of the Statute of 7 Edward IV. A.D. 1467.

The entry in the Calendar of "*pieces of flys*," is, in the original, pieces of cloth from Flegg, in Norfolk—articles also frequently mentioned in Anglo-Irish documents of the fourteenth century, when the freemen of Lynn were exempted from certain municipal customs in the Anglo-Irish towns with which they traded.

The passage which the Calendar translates, "for every head of yarn," is on the roll, "*de quolibet capite syndonis*," meaning for every piece of the material styled "*sindone*," a kind of lawn, or fine linen, so well known in former times in England, that the enactment styled "*Compositio de ponderibus*," specified that the "*Chefe de Sindon*,"—the Anglo-Norman equivalent of "*Caput Sindonis*"—should contain ten ells.*

In the fourteenth century, the time of the grant to Clonmel, now under notice, the Prior of the Order of St. John, in England, was bound to furnish caps annually to the Barons and officers of the Exchequer, for winter and summer; those for the latter season, as we learn from the Brotherhood's treasury accounts (*Reprise de Thesauraria*), were directed to be lined with "*sindone*," or fine linen—" *piliola lineata de sindone*." A glance at the old drawing of the Exchequer, in the manuscript known as the "*Red Book*" of the Exchequer of Ireland,† will show the eccen-

* "*Chefe de fustian constat ex xiv. ulnis ; chefe de sindone continet decem ulnas.*"—" *Assisa seu compositio de ponderibus et mensuris.*" See also the enrolment, "*De confirmatione pro burgensibus de Drogheda—per ipsum Regem et consilium suum in parlamento—teste Rege, apud Westmonasterium, xxv. die Februarii.*"—Unpublished English Patent Roll, "*de anno regni Regis Henrici sexti quinto.*" (1426-7) p. 2. m. 11.

† See page 121. The following anecdote relative to this MS. illustrates the escapes through which some of the most valuable Anglo-Irish muniments have survived, notwithstanding the carelessness of

tric appearance which the barons of that court would have presented, if in addition to their quaint grotesque attire, their heads were, according to these Calendars, decked with yarn !

Some inquirers into the progress of textile manufactures have considered "sindon," or "cindon," cognate with the "cindal," or "cendal," mediævally referred to so often, as in the poem on the Siege of Carlaverlock, A.D., 1300:—

"La ont meinte riche garnement
Brode sur cendeaus et samis."

The same poet mentions that Henry, Earl of Lincoln,

"Baniere ot de un cendall saffrin."

The "chef de cendale" is mentioned in an Anglo-Irish murage grant of A.D. 1316, which class of documents if accurately deciphered from the Patent Rolls might have furnished important information on such points to English and French investigators. I may here add, that the Calendar version of the Clonmel Charter, among its other defects, totally omits a curious entry which the original contains, showing that the "Grains of Paradise," applied

their keepers. Sir Walter Scott, during his visit to Dublin, in 1825, requested permission to inspect the "Red Book of the Exchequer," which he supposed to be jealously preserved in the custody of the then Chief Remembrancer of the Exchequer, Anthony Richard Blake, who, according to law, was its official guardian. The volume, however, could not be found, and after repeated searches and inquiries, in all quarters, it was concluded to have been lost, till a washerwoman, happening to hear something of the matter, recollected to have seen an old book, in strange writing, lying at the bottom of a discarded wig-box, amidst a heap of lumber, in one of the garrets of Mr. Blake's residence, and there, on examination, the precious manuscript was found! Thanks to the present learned and enlightened Chief Baron Pigot, the Red Book of the Exchequer of Ireland is now duly cared for.

on the Continent to dyeing, were likewise articles of commerce in Ireland, in the middle ages.

The entry translated in the Calendars, as above, "For all kinds of *haberdashery*," is, in the original, "de omnibus generibus de averio-ponderis"—meaning "For all kinds of *avoir-du-pois* or *du-peis*"—a designation applied of old to valuable goods weighed for tolls by the pound, in a smaller balance than the coarser goods, passed, in larger quantities, through the "Tron" or King's beam. This term was commonly used in England, as in the enactment of Edward II., A.D. 1311, styled "Les noveles ordinances faites a Londres, lan du regne nostre seigneur Rei Edward, fitz le Rey Edward quynt," which recites: "Ensement novels custumees sont leuées et aunciens enhancées, com sur leynes, draps, vins, *avoir-de-pois* et autres choses, par quei les Marchants vieignent le plus relement."*

In a poem, among the British Museum MSS., conjectured to have been written by Friar Michael of Kildare, about the same date with the Charter of Clonmel we read:—

"Hail be, ye marchans, with your great packes,
Of draperie, *avoir de peise*, and yor wol sakes."

The "Vision of Piers Ploughman," represents "Covetousness," saying:—

"I learned among Lumbardes
And Jewes a lesson,
To weye pens with a *pois*,
An pare the hevyste."

At the foot of the above Calendar entry relative to

* "Cumque de præfatis mercatoribus, nonnulli eorum alias exercere soleant mercandisas, ut de *Averio-ponderis*, et de aliis rebus subilibus."—Carta Ed. I. imo, Feb., anno regni xxxi, apud Windesore.

"every *frail of batter*," we find a note that a frail means "a basket made of rushes," apparently an unsuitable mode of conveying fluid *batter*, which Dr. Johnson, in his Dictionary defines as "a mixture of several ingredients beaten together with some liquor, so called from being so much beaten." The Calendar however disregards such trifling incongruities: "Nous autres grands médecins nous connoissons d'abord les choses. Un ignorant auroit été embarrassé et vous eût été dire: C'est ceci, C'est cela: mais *moi*—Je touche au bout du premier coup!"

The original of the Calendars "*frail of batter*," is "de quolibet fraiello de bateria;" or for *every basket of kitchen ware!*

Bateria is a Latin form of "*batterie de Cuisine*," *vasa coquinaria*, which term, according to the French Academy, was applied to "les utensiles qui servent a la cuisine, qui sont ordinairement de cuivre battu." Thus Huet wrote, "quelque cruches et quelques pots de terre étoient toute leur batterie de cuisine."

Other Irish municipal records, of the same age with that of Clonmel, now under consideration, also mention "Bateria;" as the murage grant to Thomastown, on the Patent Roll of 49 Edwd. III, A.D 1374, and that to Jerpoint, of the succeeding year, both of which specify the tolls to be taken of "*bateria æris vel cupri, operati, vel non operati*"—kitchen ware of brass or copper, wrought or unwrought.*

* "*Batrie*," or "*Battery*" is mentioned in Irish municipal writings of the seventeenth century; and in the "Act of tunnage and poundage" (1661), in the sense, explained as follows, by Antoine Furetiere, in 1690:

"*Batterie de cuisine*: Terme collectif, qui se dit de tous les utensiles servants a la cuisine, qui sont de cuivre, ou de fer, comme les marmittes, chaudières, tourtières, &c."

The entry, above quoted from the Calendar, relative to "*every seal*," coming to Clonmel for sale, will interest those who agree with Menestrier, that :

"On peut tirer de grands secours des sceaux plus que de tous les autres monuments, parce qu'ils sont attachés à des actes authentiques."

On the original roll the words are "*de qualibet sella*," or for *every saddle*, *sella* being a low Latinization of the French *selle*.

Cambrensis, writing of the Irish in the twelfth century, observed "*sellis equitando non utuntur*." A French Chronicler of Richard II., remarked that Mac Murragh rode "*sans sele*;" and the Statute of Kilkenny, in 1367, decreed penalties against any Englishman who rode otherwise than on a saddle (*sele*) in English fashion. The early Statutes of England, as those of labourers, A.D. 1349, and of Edward IV., 1463, Cap. 10. refer to *sellers*, *celers* or saddlers, and their work, "*selles, estrivens ou ascune herneise regardant as sellers*,"—saddles, stirrups, or any harness, pertaining to saddlers." The latter fraternity are introduced as follows in the old French poem, on the voluntary building of the walls of Ross by the tradesmen and other inhabitants of that town :

"Le Mardi prochain suant apers,
I vont taillurs e parmters,
Tenturers, fulrurs et *celers*,
Bele gent sunt de lur mesters."

"Tuesday came, coat makers, tailors,
Fullers, cloth dyers, and *sellers*;
Right good hands, these jolly blades,
Were they counted at their trades."

The French *Selle* became Anglicised *Sell*, which form is frequently used by Spenser and Fairfax, as in the latter's "*Godfrey of Bulloign*," *Book* iii.

"They met—and low in dust was Guardo laid,
 'Twixt either army, from his *sell* down cast."

The "*every load of hay*" of the Calendars is in the original "*de quolibet crannoco brasie*" meaning for each crannock, or Irish wicker measure of *malt*.—"Brasia" or "Braseum"—malt, is a word familiar to students of early English accounts, as forming part of the subject of various ancient enactments relative to bakers and brewers.*

In the concluding entries, above quoted, the Calendars metamorphose Lambfells and woolfells into Lamb *felts* and Wool *felts*!

Wool-fells, meaning sheep-skins with the wool on them, form the subject of several enactments in England in the fourteenth century, as in the Charter granted in 1303 by Edward I. to foreign Merchants, called "*Carta Mercatoria*," in which we read "*de pellibus lanitis*," which Hakluyt translated "*fells, with the wool on them*;" and the ordinances of the staple—"De Stapula tenenda in certo loco ordinatio," 13 Edward II. A.D. 1320, &c. were

* See "*Statutum de pistoribus et braciatoribus*" which details the "*Assisa servitie secundum venditionem bladi de quo fit brasium... Brasiator non accrescat plus in galona, nisi per vi denarios accrescentes in quarterio brasie.*" *Secunda pars Veterum Statutorum*, London: 1556, fol. 24 a. The malts used of old in England, for making the two classes of beer ("*cerevisia melior et secunda*") were the "*Braseum frumenti*—wheat malt; *braseum ordei*—barley malt; *braseum avenarum*—oat malt; and *braseum drageti*—dredge malt, described by Bishop Kennett as 'malt made of oats mixed with barley malt, of which, adds the Bishop, they make an excellent fresh, quick sort of drink used in Staffordshire.' Mr. A. Way, an accomplished English antiquary, mentions that in the thirteenth century, the grains chiefly cultivated in England, as appears by the accounts of the Bailiff of the Royal Manor of Marlborough, Rot. Pip. 1 Ed. I. were wheat, berecorn, dragg, or a mixture of vetches and oats, beans and pease."

addressed by the Kings—"Collectoribus costumæ lanarum et pellium lanutarum," to their "collectors of custom for wool and woollen fells."*

Skelton in the fifteenth century, in his "gostly medytacyon uppon a dedman's hed, that was sent to hym from an honorable jentyllwoman," apostrophised

"His gastly jaw, gaspyng asyde,
Nakyd of hyde, neyther flesh nor *fell*."

In another poem Skelton translated the line.

"*Et cuts sub placida tabida sæpe dolent*."—

"And under the *fell* oft festered is the sore."†

The full absurdity of the change made by the Calendars from *fell* to *felt*, will be appreciated by applying it to Macbeth's soliloquy :

"I have almost forgot the taste of fears :
The time has been, my senses would have cooled
To hear a night-shriek ; and my *fell* of hair
Would, at a dismal treatise rouse, and stir,
As life were in't."

To complete the analysis of the "Text" of the Calendars a

* "The principal navigations, voyages, traffiques and discoveries of the English Nation," London ; 1599, vol. i. 137. See also Sir F. Palgrave's *Ancient Calendars and inventories of the Treasury of H.M. Exchequer*, 1836. The "*Ordinacio Stapularum*," 27 Edward III. A.D. 1353, and the Statute of 12 Edward IV., caps 4 and 5, specify "*peaulx lanutz et peaulx*"—wool-fells and fella.

† The *Poetical Works of John Skelton* by Rev. A. Dyce, London 1843, i, 18, 26. See also "*King Lear*," act V. scene 3; and "*As you like it*," act iii, scene 2. Ben Jonson in his "*Character Principis*," observed that a "prince is the pastor of his people," adding that "he ought to sheer not to flay his sheep ; to take their fleeces, not their *fells*."—"Explorata," London : 1641.

few more specimens may be adduced of the other numerous similar translations and decipherments. The ordinary Anglo Saxon law terms—wardewyte, hamsoken, stephinge, blodwite, fithwithe, hengwyte, and flemenfreme, are at page 32 of vol. ii, deciphered *werdpein, hanerpein, blodurte, ficturte, hengurte and flemenurte !**

At page 426 of Vol. I., we read at the close of a deed relating to Kenlis, in Ossory, witnesses "the Lord *Ollor Bishop*." This prelate, "translated" by the Calendars into the ranks of the Irish Hierarchy, was never before heard of—the name so deciphered being, in the original, "Domino Episcopo Ossoriensi," meaning—the Lord Bishop of Ossory, in whose diocese, Kenlis, to which the document relates, is situate !

In the same volume page 115, Saints Cuan and Brogan are deciphered into *Koam* and *Borgam* ; and at page 606, Cuan, whose name still lives in Wexford, is further tortured into *Keoam*.

Iregan, or *Ui Riagain*, the territory of an important family in the Queen's County, represented by Colonel Francis P. Dunne, M.P., is (i. 373,) deciphered into "*Tryegan*."

Thomas Leverous, an eminent Bishop of Kildare, is set down (i. 396) as "*Thomas Dar*." The ingenious reader may perhaps be able to decide upon the meanings, to be assigned to such entries as the following, appended to documents calendared in the first volume, pages 189, 270, 291 :

* "*Levia quidem hæc, et parvi forte, si per se spectentur momenti. Sed ex elementis constant, ex principiis oriuntur omnia : et ex judicii consuetudine in rebus minutis adhibita, pendet sc̃pissime, in maximis, vera atque accurata scientia.*" "*Homeri Ilias, in usum Principis, Gulielmi Augusti, Ducis de Cumberland, Regio jussu, edidit Samuel Clarke, S. T. P., editio quarta-decima,*" Londini, 1806,—præfatio.

"Jenico, Viscount of G.—Oliver, P.B. of Louth.—B.B. Upper Oserie.—Edward, Meath.—P. Barnewall, Lord of T.—R. P. Lord of Dunsany.—John P. Lord of Kyllene.—T. ff. B. of Slane.—W. B. N."

The Nunnery of "Le Hogges" is converted (i. 485) into "The Abbey or monastery of the Hoggs," reminding us of the line in the alliterative poem,—*"Pugna porcorum, per P. Porcium, poëtam:"*

*"Per pia porcorum petimus penetralia posthac."**

The obsolete ecclesiastical exaction called "Mary Gallons," considered of sufficient importance to be noticed in Parliament in 1640, is facetiously metamorphosed by the Calendars (ii. 514 and 669) into "Merry Gallons!"

Page 454, vol. i., notices a document of A.D., 1560, with the following title, "An abstract of all wages and entertainments remaining due to the Queen's Army and Garrison in Ireland, with a *defalcation of the priests*, and of the victuals and munition delivered." This *defalcation of the priests*, in the reign of Elizabeth, gravely set down in the Calendars, is, in the original, "*defalcations of imprests*," a common head for a class of accounts in old English revenue returns!

It would be superfluous to prolong these citations, and I shall close this section with mentioning, that, at page 267 of vol. ii., the Calendar transforms Saint Nuan, of the Barony of Boyle, in the county of Roscommon, into *Nogan*, a name applied in Ireland to a wooden milk vessel! And in the translation of a Charter of Cashel, at page 238, of the same volume, the Calendar declares that the old English word "*thewe*" signifies "*Saxon bondmen*," whereas, it means a *ducking-stool*, the engine of cor-

* "*Lusus ingenii*," curavit D. C. Seybold, Argentorati: 1792.

rection formerly used in towns for the punishment of common scolds !*

The foregoing specimens—with the previous list of mis-translations—including those of a Bullock-pen into a “City of the Dead,” and of a flock of sheep into “a wax candle,” will be admitted to constitute a series of transmutations unparalleled since the fifteen books of Ovid’s *Metamorphoses* were given to the world.

Having thus scanned every section of the text of the “Calendars,” the results of this morbid anatomy may be summarized as follows :

RESULTS OF ANALYSIS OF THE TEXT OF THE CALENDARS.

I. That a large portion of the “Text,” purporting to be the result of original research, is composed of plagiarisms from printed books; and that no conclusive evidence has been adduced to show that the remainder of the so-called “Text” has not been abstracted from the Calendar of the same Patent Rolls, formerly prepared at the public expense under the Irish Record Commission. See pages 70, 71, 119.

II. That the grants of *titles* and *offices* given in these volumes are defective and valueless, as they omit the important clauses of the patents. See page 64.

* “A post was fixed in a pond, upon the former was placed a transverse beam, turning on a swivel with a chair at one end of it. In this the scolding woman was placed, and the end turned to the pond, and let down into the water.”—*Encyclopædia of Antiquities*, by Rev. T. D. Fosbroke. London, 1825, i. 261. Brand’s *Observations on Popular Antiquities*, edited by Sir H. Ellis. London, 1842, iii. 53. Blackstone’s *Commentaries*, edited by R. M. Kerr, 1862, iv. 18. See also “Digest of the Laws of England,” by Chief Baron Comyns, 1781 ; and papers by Mr. Carrington, in the *Archæological Journal*; xv. (1858) 76, and in the first number of the “Wiltshire Archæological Society’s Magazine.”

III. That the grants of *pardons* as here published, are defective and useless, because the Calendars, for the most part, do not specify [the causes or offences for which the pardons were granted. See pages 66, 67.

IV. That the grants of *lands*, as here given, are defective, misleading and may be prejudicial to the Public, because, in the majority of cases, the Calendars do not mention all the lands granted, and seldom specify the counties or localities of those enumerated. See pages 142—147.

V. That the *Charters, royal letters, ecclesiastical and municipal documents* on the Patent Rolls, as presented in these volumes, are defective and unreliable, because the Calendar-versions omit various important portions of them, give incorrect decipherments of some, and inaccurate translations of others. See pages 148—162.

VI. That the Calendars are seriously defective, because they *omit* to notice a large number of important patents and grants, and the places in the text which should have been occupied by them, have been filled with *unacknowledged reprints* of common books already accessible to the public and irrelevant in Calendars of Patent Rolls. See pages 124—140.

Thus, these Calendars have not only failed to fulfil any *one* of the objects for which works of this class are executed; but also, as defective and inaccurate abstracts of original records, they may, in the words of a late English Paleographer, prove “equally dangerous to truth, property, and to liberty itself.”

We shall now revert to the proceedings in the House of Commons, as reported in the “Times:”

MR. GEORGE defended the Editor of the Calendars from the charge of incompetence which had been brought against him. He adduced the testimony of the Master of the Rolls (Ire-

land), Mr. Brewster, Mr. Fitzgibbon, and others, as to the propriety of the selection of the Editor, and the high character of his publication.

MR. T. O'HAGAN, ATTORNEY GENERAL OF IRELAND, also bore testimony to the Editor's merits. He was, perhaps, the very best man in all Ireland who could have been selected for the particular task assigned to him. There had been gross misrepresentation in regard to him; but his vindication was complete and absolute.

Mr. George, Member for Wexford, being totally unknown as an archivist, or historic investigator, may be presumed to have based his testimony to "the high character of the publication" on such evidence as that found in the pages of the now notorious "Letters received with reference to the Calendars of Patent and Close Rolls," which have been withdrawn from circulation, with little regard for the amusement of the public, at whose expense they were printed "for Her Majesty's Stationery Office." Thus, the "Dublin Evening Mail" tells us that—

"To authenticate and give weight to these ponderous tomes, the Stationery Office also printed a 'Selection from Letters' from the Lord Chancellor, the Master of the Rolls; the ex-Attorney General; a Master in Chancery; the Ulster King-at-Arms, Sir J. B. Burke; and others, a copy of which is now before us. To say that these letters are in the highest degree laudatory of the editor, and in particular of his prefaces, would be to give but a faint idea of their import and wording, for they abound in such epithets as 'interesting and instructive,' an 'invaluable contribution,' 'a great boon;' and one critic [G. Fitzgibbon, Queen's Counsel and Master in Chancery], goes so far as to tell the 'Clerk of enrolments' that 'it is well known no other living person can read records as you can;' although, in another passage in the same letter, he writes, 'I wish that this opinion should be founded on some knowledge of the book, and on a careful inspection of its contents!' Finally, one of the eminent authorities who have contributed to this 'puff book,' even goes so far as to tell his friend, the author, that 'until your book appeared every one was obliged to avail himself of your antiquarian lore;' but he adds, 'I hope you may not find that your labours for

the public benefit will have the effect of taking the bread out of your own mouth.' "

Puffing, according to Sheridan's "Critic," is of various sorts—"the principal are the puff direct, the puff preliminary, the puff collateral, the puff collusive, and the puff oblique, or puff by implication; these all," we are told, "assume, as circumstances require, the various forms of Letter to the Editor—Impartial Critique, &c."

Of the class placed first in this category it would be difficult to find a bolder specimen than the following, in which the official "puff direct," addressed to the Editor, avers that these *Calendars* have been composed from *illegible* records!

"From the Master of the Common Pleas.

"Common Pleas [Dublin], 17th June, 1861."

"Allow me to thank you for the copy of your valuable work founded on the documents in the hitherto inaccessible Rolls Office. Although your labours have been of an onerous kind, it must be a satisfaction to you to have rescued from oblivion the illegible [!] but interesting records of our past history; and, hoping you will receive a suitable recompense, I am, yours faithfully,

"J. G. BURKE."

Selection from Letters received in reference to the Calendar of Patent Rolls. Printed for Her Majesty's Stationery Office, page 8.

"And do you think," asked the cynical "Sneer," "there are any who are influenced by this" puff direct? "O Lud, yes sir," exclaimed "Puff," "the number of those who undergo the fatigue of judging for themselves is very small indeed!"

The qualifications of the authors of these "Letters" to pronounce authoritatively on archivist questions, already noticed at page 76, may be further illustrated by citing another evidence of the want of knowledge even of the simplest ancient law terms, publicly exhibited by the

writer of the most elaborate of the epistles adduced by Mr. George in favor of the "high character" of the "Calendars."

In the recent case tried in the Dublin Court of Common Pleas, of the Municipal Corporation of Dublin, against the Right Honorable Sidney Herbert, for an annual rent of ten pounds, claimed by the City out of his holding called Bagot-rath, Mr. Sergeant Fitzgibbon, now Master in Chancery, counsel for the defendant, and author of a lengthy letter, quoted at page 74, eulogising the "Calendars," maintained, in opposition to all arguments, that the term "land-gable," known by every antiquarian smatterer to signify a tax or rent issuing out of land, or a quit rent, should be read "*long cable*," that "it means a *cable* across the Liffey, which the defendant's ancestors had the privilege of having, and that it was for the *cable* the payment was made to the Sheriffs!"

The following extract from the Report of the second trial in this case, will instruct those interested in such points:

Mr. Mac Donogh, Q.C.—"In the grant of Prince John, he grants by the service of 'langable,' and the meaning of this, as we learn from the other documents, is a tax or rent issuing out of land, similar to what we now call 'ground rent'...A legal document, written in 1735, demonstrates that the land-gable payment was out of 'Bagot-rath.' "

Sergeant Fitzgibbon.—You are assuming it all along as '*land gable*;' it is '*long cable*.'

The Chief Justice.—The answer [of the Corporation] is, We paid it [the rent] to the sheriffs and not to the Corporation, and for what we don't know, the meaning of—something about a '*long cable*' that was across the river in some place or another.—And really that was a very curious sort of thing; I never heard the expression before, and I can give you no information or assistance to it"... This endorsement upon the receipt 130 years old, is relied upon as evidence of that: 'the Sheriffs of Dublin receipt for the year, land-gable money of Bagot-rath, for 1735.'

Sergeant Fitzgibbon.—It is not 'gable.'

Chief Justice. No ; this is 'long cable' and therefore it is for the jury to say whether this long cable of Bagot-rath means something connected with a cable belonging to Bagot-rath—'land-gable' it is here."^{*}

Thus the immortal "Sganarelle" reappears in a sphere different from that in which he was originally placed :

GERONTE. On ne peut pas mieux raisonner, sans doute. *Il n'y a qu'une seule chose qui m'a choqué ; c'est l'endroit du foie et du cœur. Il me semble que vous les placez autrement qu'ils ne sont ; que le cœur est du côté gauche et le foie du côté droit.*

SGANARELLE. *Oui, cela étoit autrefois ainsi ; mais nous avons changé tout cela, et nous faisons maintenant la médecine d'une méthode toute nouvelle.*

GERONTE. C'est ce que je ne savois pas, et je vous demande pardon de mon ignorance.

SGANARELLE. Il n'y a point de mal ; et vous n'êtes pas obligé d'être aussi habile que nous !"

The Attorney General of Ireland, having publicly

* Reports of the trials in the case of the Corporation of the City of Dublin, versus the Right Hon. Sidney Herbert, 1859, 1861 : pp. 73, 75, 89, 91.

It appears, however doubtful, to whom the originality of the above remarkable theory [of the cable is due, since the author of the letter, cited at page 166, avers that "every one [of the Bar] was obliged to avail himself of the antiquarian lore" of the Archivistic oracles of the Rolls Office, Dublin. "In truth," continues Mr. Brewster, "*the public was dependent almost exclusively on you for assistance in all inquiries necessary for the elucidation of ancient titles, and the ascertainment of rights created at remote periods ; but you have now given to all of us the means of finding out for ourselves much that no one but so accomplished an antiquary as yourself had any knowledge of.*"—Letter from the Right Hon. Abraham Brewster, Q.C. to the Editor of the Calendars, at page 5 of "Selection from letters received in reference to the Calendar of Patent Rolls ; Printed for Her Majesty's Stationery Office."

declared, in the presence of some of the most eminent scholars of Ireland, that he was totally unacquainted with Archæological subjects,* may be presumed to have been also guided by this same "Selection from letters," backed by the solemn certificate of the Deputy Keeper of the Rolls at Dublin, who according to the evidence of the Editor of the Calendars, cited at page 115, can neither *read* the ancient documents in his charge, nor "comprehend their meaning, use, or application!"

When we reflect on the varied literary, historical, and legal interests involved in the different sections of Calendars of Patent and Close Rolls of Chancery in Ireland, and remember, that each inquirer, in his own department, must feel seriously aggrieved by the incompetency which pervades every portion of these volumes, the Public cannot but be indignant that a lawyer, holding the offices of Attorney General and Commissioner of National Education in Ireland, should seek "to make one mighty Dunciad of the land," by pronouncing such a libel upon the scholars of his country, as that above reported in the "Times," which represents him to have declared, before the House of Commons, that the Editor of these Calendars was "the very best man in all Ireland, who could have been selected for the particular task assigned to him!" Another version, published in the Dublin papers of 18 July, 1863, reports this Irish Attorney General to have said:—

"As he believed that the Editor of the Calendars had been personally wronged, he wished to bear his testimony to his high

* See at page 80, Mr. T. O'Hagan's avowal that he is "not an archæologist," thus admitting his want of qualification to pronounce either on the accuracy of the translations of ancient documents, in the Calendars, or on the muniments in the Rolls Office, Dublin.

qualifications for the work he had performed. There had been no *real property trial in Ireland* for many years in the elucidation of which his assistance had not been sought by one side or the other. That gentleman was called upon to edit the Patent Rolls of Ireland, and *he had translated and digested them, and had done the work well.*"

Had not the author of these allegations disclaimed, on a former occasion, any acquaintance with archivism, such declarations should be construed to imply that, wholesale piracy, decipherments of English towns into isinglass, translations of bullock-pens into "cities of the dead," and of "ducking-stools" into "Saxon bondmen," are the code of literary morality and the mode of deciding questions of "real property" sought to be imposed upon the Public by Commissioners of National Education, and some Government Law Officers in Ireland!

No stronger evidence of entire want of knowledge in this department could be given than the precipitate mode in which the opinions above referred to, have been delivered on a work, to comprehend which, in its various sections, would have required the devotion of years to the study of languages, mediæval brachygraphy, philology, history, paleography, obsolete laws and usages.* Thus,

* To the oracular and off-hand opinions placed before the public by those who have testified to the "high character" of these Calendars a forcible contrast is furnished by an anecdote related of two of the most profound Archivists of France, by the Abbé L'Advocat, "Docteur, Bibliothécaire et Professeur de la chaire d'Orléans, en Sorbonne," A.D. 1760:

"On raconte sur la modestie P. Mabillon le trait suivant: un étranger curieux de s'instruire de l'ancienne histoire de France, aiant été consulter M. Du Cange, celui ci l'envoya au P. Mabillon. On vous trompe, quand on vous adresse à moi, dit l'humble Benedictin à l'étranger: 'allez voir M. Du Cange.' 'C'est lui même qui m'envoie à vous,' dit l'étranger. 'Il est mon maître,' répliqua Dom Mabillon: si cependant, vous m'honorez de vos visites, je vous communiquerai le peu que je sais.'" Mr. Savage, in his excellent

that learned English Archivist, Thomas Madox, in addressing John, Lord Somers, observed, with truth, of a work of this class: "When a man, though a native of this island, cometh fresh to peruse a system of antiquities, or a piece of ancient history of the same island, he is like one newly landed in a strange country; he findeth himself in another climate; he observeth many things strange, and uncouth in laws, customs, and manners." The difficulties, in connection with such works, are further, to some extent, indicated by the following passages in a report made by M. Pardessus, on behalf of a Government Commission of French Archivists:

"Pent être ne s'est-on pas fait un assez juste idée du travail dont il s'agit. Les documens connus sous les noms de Chartes, Diplômes, Privilèges, &c, sont écrits en Latin ou en vieux Français, ou dans l'un des dialectes des anciennes provinces. De ces trois idiômes, le Latin est sans doute celui que des bacheliers és-lettres seront le plus capables de comprendre; mais qu'on ne s'y trompe pas. Le Latin des 9^e, 10^e, et 11^e siècles, surtout le Latin des chartes et des diplômes, n'a rien de commun que le nom avec le Latin de Cicéron et de Tite Live. La traduction en est quelquefois plus difficile; ...Les difficultés ne sont point moins grandes, si l'on suppose que les documens seront en vieux Français ou en dialectes des anciennes provinces. L'étude et l'intelligence de ces idiômes n'ont jamais fait, ni pu faire l'objet des travaux classiques par lesquels on parvient au baccalaureat-ès-lettres. Les élèves seront transportés dans un monde nouveau; il ne leur suffira pas d'avoir appris à lire

edition of Sheil's "Sketches," has chronicled a rebuke administered by an Irish Chemist and Mathematician, of high eminence, to pretentious assumption in another department of science: "Upon one occasion, in a revenue case, a grave medical witness was formally giving the result of his observations upon a certain deposit of chemical substances. 'In fact, Doctor Apjohn,' interrupted the Baron [Leslie Foster], 'the substance was only mud.'—'Perhaps,' replied the witness drily, 'Your Lordship would favour the jury with the definition of mud.'" *Sketches Legal and Political*, by the Right Hon. R. L. Sheil, Edited by M. W. Savage. Vol. i. p. 190. London: 1855.

et a déchiffrer : ils auront encore besoin d'apprendre à traduire, et aux termes de l'art."

The commendations of this work did not, however, emanate solely from legal authorities, as appears from the following letter addressed to the Editor of the Calendars, from the so-called "Record Tower," which has not yet been deodorized with the Public from the notoriety, which, as shown at page 85, it acquired, in other days, from the manufacture of pedigrees, and the interpolation of documents :

"From Sir Bernard Burke, Ulster King at Arms,
Record Tower, Dublin Castle, 8th November, 1861.

A thousand thanks for your admirable 'Calendar of the Patent and Close Rolls.' It is a great boon to me, indeed an invaluable contribution to my stores. How kindly you refer to 'Ulster,' in your most interesting preface. You will be glad to hear we have secured for this office the Repertory and Indices to the Plea and Pipe Rolls. Ever yours, J. Bernard Burke, Ulster."

"Selection from Letters received in reference to the Calendar of Patent Rolls. Printed for Her Majesty's Stationery Office," page 7.

Here again become apparent the perils consequent on disregarding the maxim, "ne sutor ultra crepidam." Venturing into the unfamiliar department of Archivism, the principal Herald of Ireland proclaims himself the admirer of a production affording ample scope to those who deride pedigree labours, for—reversing the well-known case of the "two single gentlemen rolled into one"—the system of these Calendars is, as already shown, pages 44 and 151, to divide *one* nobleman into *two*, and to multiply *two* children into *eleven* !

Some future Editor of W. M. Thackeray's works will, no doubt, adduce this circumstance as a commentary on the remarkable pedigree in which that writer detailed the branches of a family which, commencing with "Thomas Muggins," retrograded to "David Gam de Mogyns," dis-

tinguished in the battle of Agincourt, and from him to the Welsh chieftain, "Hogyn Mogyn, of the hundred beeves," the rival of Caractacus, for the hand of Boadicea, all chronicled on a genealogical tree in the possession of "the present baronet," Sir Alured Mogyns Smyth de Mogyns, —beginning with Shem, and stated by a legend of many thousand years date to have been drawn on papyrus, by a grandson of the Patriarch himself!*

I have already, at page 76-79, mentioned the light in which it perhaps may be just to view the "Letters" by which some eminent legal functionaries inconsiderately placed themselves before the public as "practitioners in the art of puffing," and which were thus used to give character and importance to the "Calendars." If, however, the report of Mr. George's remarks in the House of Commons be correct, in representing that some of the Judges and chief Government Law Officers in Ireland *approve of and eulogise breaches of the law of copyright, combined with the system of garbling records developed in these Calendars*, the Public will expect the Treasury at once to remove all these muniments beyond the further influence of a control, which, in cases of real property, title, or pedigree, must certainly entail serious and complicated injustice on many of her Majesty's subjects; "Tous les jours," says a French writer, "on produit en justice des titres qui sont les fondements de la fortune et de l'état des citoyens: l'intégrité ne permet pas de prononcer précipitamment, ni de hasarder un jugement qui, faute d'être éclairé, fait le malheur d'une famille, en ruinant sa fortune.....L'art diplomatique donne des lumières suffi-

* See Extract from "Fluke's Peerage," quoted by Mr. Thackeray, in his "Book of Snobs." London, 1848, chap. VII., "On some respectable snobs."

santes pour distinguer le vrai du faux—mais le débrouillement d'anciens actes et monumens exige la plus grand sagacité, le discernement le plus fin.”

The question at present under consideration cannot be set at rest with the facilities which the Parliamentary constitution of Great Britain affords for the disposal of political and ephemeral topics. The integrity and proper publication of the Irish Public Records possess a permanent interest for the numbers studious of British history throughout the world; and, although the influence of departments and of parties may for a time be brought into action to retard proper arrangements in connection with them, the opinions of scholars conversant with the subject, placed permanently on record among the learned bodies of the world, as essayed in these pages, must have its due weight upon the public mind and eventually overcome the opposition and obstacles which everywhere—*but pre-eminently in Ireland*—impede the progress of truth and justice.

The independent portion of the Press has regarded this transaction in its true light—thus the London “Examiner” points out that the interests of the public require that the entire of the circumstances should be made the subject of a regular official examination. The views taken of it by impartial journals in Ireland are exhibited in the following extract from the “Ulster Observer,” of Belfast, which characterises the whole affair as an attempt to foist upon the public a “compound of brazen ignorance and unblushing piracy—given to the world, under high sanction and authority, as the result of laborious investigation and diligent research:”

“It might at once be presumed that for such a task the most competent and reliable agency would have been procured—that, following the example of France and England, the services of emi-

nent archivists and distinguished paleologists would have been obtained; and that, at least, the two eminent bodies who have conferred so much honour upon Ireland—the Irish Archæological Society and the Royal Irish Academy, would have been consulted on a matter in which they were so capable of giving valuable information, and upon which they could throw so much useful light. These considerations were, however, discarded, and the task of editing this important work—a work which required for its due performance the erudition of a scholar, and the patience and research of a student—was entrusted to a clerk in one of the Dublin law courts; and under his auspices we have published, at the public expense, two useless volumes of gross plagiarism and inaccurate information.

“It would be difficult to find a parallel for the Calendars in wholesale plagiarism—difficult to find a rival for them in ignorance, difficult to find an approximation to them in error. The robbery is of the most sweeping kind; the mistakes are of the most catholic order, and trench with equal indifference on the hallowed precincts of history, chronology, biography, and philology.

“These are not idle statements unsubstantiated by evidence. The writer [of ‘Record Revelations’] proves every assertion in detail, and the instances of plagiarism which he adduces are so numerous, so deliberate, and so flagrant, that it is a mystery how even a Clerk of the Dublin Law Courts could have the audacity to perpetrate them. Amongst the writers whose labours have been so unblushingly appropriated we find the names of the living and the dead.”.....

“Ireland has every reason to be proud of her archæologists, she has every reason to respect and reverence the men who devoted their great talents and their invaluable labours to the disentanglement of the past, and to the rescuing from oblivion the memorials which bygone generations left of our country’s career; and she owes it to her own character, as well as to their fame, not to permit this sorry jumble of ignorance and conceit to take its stand amongst the treasured monuments of her scholarly lore. Not the least singular feature about the Calendars is the approbation which they have received from high legal authorities in the land. The time has passed, when the ancient statutes were studied by the devotees of the law, and the ancient records scanned by the occupants of the legal tribunals. That peculiar book-labour, characterised as philosophico-legal application, has disappeared from Inns

and Chambers. We have many pert pleaders—few deep thinkers ; we have many legal sophists—few legal reasoners ; and still fewer, if any, of them are endowed with the acquirements which would render them an authority upon such a subject as Mr. Morrin's unintelligible Calendars. Hence it is that we cannot be much surprised if, in his honest ignorance, the honest and highminded Master of the Rolls has given his imprimatur to the confused rubbish which is supposed to be published under his direction. That Lord Chancellor Brady has imitated him, and approved of the work, will surprise nobody ; that Sir J. Bernard Burke, the Ulster King of Arms, has chimed in with their Lordships will surprise nobody ; and that even such ornaments of the bar as Messrs. Fitzgibbon and Whiteside should swell the chorus of approbation is in no way wonderful. This formidable coalition of backers which the Plagiarist has secured only makes public interference more imperative, and it is high time that the Press should expose the fraud, and endeavour to wipe away what, if tolerated with impunity, must prove a public disgrace."

"These," writes the "Cork Reporter," "are most disgraceful disclosures, and may well be termed *Revelations*, which will, we are sure, create no small amount of public disgust and indignation."

The remarks on "gross misrepresentations" with reference to the Calendars have been received at their due value by the public, which accepts the term "*absolute*," used by the Attorney-General in reference to the vindication, already shown to be unfounded and prevaricatory—in the same sense as that in which "Hamlet" applied it to the equivocating grave-digger :

—"How *absolute* the knave is,

We must speak by the card, or prevarication will undo us !"

The assertions of an Attorney-General, and Commissioner of National Education, misled into advocating the disgraceful system exhibited in these pages, will fail to lower the *true* Archivists of Ireland in the eyes of a Public, which knows, that the great works of the Royal Irish

Academy, and the Irish Archæological and Celtic Society, which have gained for Irish Archæologists and Archivists a recognized position, second only to that held by the great hereditary masters of these sciences in France, have been the fruits of voluntary labour, performed without either direct or indirect remuneration or reward, beyond the satisfaction which the disinterested and learned authors, by whom they were executed, derived from the performance of what they conscientiously considered to be their duty to the primary historic literature of their country. With a truly high instinct, these eminent scholars, "unstained by gold or fee," have ever shrunk from parading before the public the great sacrifices of time and mental labour thus made by them; and which could not have been supplied by any extent of mercenary work or pretentious assumption.

MR. T. O'HAGAN, ATTORNEY-GENERAL OF IRELAND—
in continuation:

"He had himself found the records in the Rolls-office under the Editor of the Calendars, in the most excellent condition, and wholly available to the public. The arrangement in that respect could not be improved."

That an Attorney-General should receive attention, on his visit to a Dublin Law Office, might naturally be expected; but it appears difficult to account, even in a non-archæologist, for that mental obtuseness, which declares documents to be "fully available," to which the Public possess neither indices nor inventories!

The ludicrous consequences of venturing "beyond one's last," are forcibly exemplified in this instance, since the allegations of the Attorney-General are flatly denied by the evidence publicly given as follows by the Editor of the Calendars *himself*, and printed at page 139 of the Chancery Commissioners Report already cited:

"The business connected with ancient records is comparatively neglected in this country [Ireland]. Parties come to the [Rolls] Office frequently in relation to historical inquiries, but we have not time to attend to them."

Not less contradictory of the declarations of the Attorney General, are the following passages in the Prefaces to the "Calendars;" the Editor of which is above described as having the records in the Rolls Office, "under him:"

"Numbers of which [the ancient Anglo Irish public records] containing important historic materials, are *now mouldering to decay; while the unindexed and unclassified condition of those in better preservation, renders their contents almost unavailable to literary investigators.* These observations apply more especially to the Statutes and enactments of the early Anglo Irish Parliaments." *Calendar, Vol. i, page vii.*

"But the want of calendars or repertories to our records has been severely felt. The Public, uninstructed, come to the offices, in the feeble hope of getting some information from records likely to assist them, and have wholly to rely on the activity or talent of the officer in charge for success."—*ib. ib. page xxix.*

Again of another class of records in the Rolls Office, Dublin, we read at page ii. of the second volume of the Calendars:

"Very few of these were then, or at all, as they should have been, copied on the Roll; and they *remain to this day uncalendared, and to the public almost wholly unknown.*"

Thus, an Attorney General of Ireland, and Commissioner of National Education, unmindful of the ancient proverb, cited by the Secretary of the Treasury, has, by venturing to pronounce on subjects with which he is avowedly unacquainted, been betrayed into pledging himself before the world to assertions totally contradicted by the officer whom *he* eulogised, as well as by the imprimatur of the Master of the Rolls—the official guardian of the muniments referred to!

It requires no further evidence to demonstrate the

accuracy of my assertions as to the fact of the muniments in the Rolls Office, Dublin, being practically unavailable to the public, who there, according to the above evidence of the officer who has the "rolls under him," must find themselves situated similarly to the famed "London Lyckpenny:"—

"Unto the Rolls I gat from thence,
Before the clerkes of the Chauncerye,
Where many I found earning of pence,
But none at all once regarded me."*

The "pleasures of imagination," flowing from the attractive picture presented to the House of Commons by the creative fancy of the Attorney General of Ireland, with regard to the arrangements of the records in the Rolls Office, Dublin, which, in his words, "could not be improved," have, however, been further dissipated by the disclosure of another complication of this extraordinary concatenation of blunders, subsequently brought to light, as follows, on the last day of the Parliamentary Session:

HOUSE OF COMMONS, LONDON, JULY 28, 1868.

CALENDAR OF CHANCERY ROLLS.

COLONEL FRENCH asked the Secretary of the Treasury whether it was proposed to continue the recently issued Calendars of Irish Chancery records by the *republication* of the Patent Rolls of James I. He had learned, with surprise, that the work to which he alluded was actually in course of being *reprinted* at the public expense, by direction of the Master of the Rolls of Ireland, under the authority of the Treasury, in continuation of the two volumes of Calendars of Patent and Close Rolls of Chancery in Ireland, the circumstances connected with which had lately been brought under

* Ballad written by John Lydgate in the reign of Henry VI. To complete the analogy, it may be added, that the above cited Chancery Commission Report mentions that the majority of the scrivenerly clerks employed in the modern business of the court, receive no payment beyond "three half-pence or two pence a folio," for what they write. *Report, page 133.*

the notice of the House by his Right Hon. Friend, Mr. Monsell, Member for Limerick.

The Calendar of Patent Rolls of James I. had been printed under the late Record Commission in a large folio volume of 596 pages, bearing the following imprint, "Dublin; printed by Alexander Thom, for Her Majesty's Stationery Office." And it had been alleged that a great portion of this edition was still lying unused in the Rolls and other Government offices in Dublin. A second edition of part of this Calendar, in octavo size, and on a different plan, had been published in 1846 by the late Mr. Erok—to print the same work a *third* time would be an unnecessary expenditure of the public funds. Being himself conversant with these books, which might be seen in the public libraries of Dublin, he could speak definitely on them; and he trusted that the Treasury would, without delay, direct an inquiry into the subject, as a rumour was in circulation, which appeared almost incredible, that the printing of this third edition of the Calendar had been authorized, under the supposition, that it had never been printed before. He regretted that the Royal Irish Academy, or the Irish Archæological Society had not been consulted on this subject, as some members of these bodies were specially conversant with such matters.

MR. F. PEEL, SECRETARY OF THE TREASURY, said he would make inquiries into the subject.

These statements, based on well known public facts, may, no doubt, be found verified documentarily in the Parliamentary Records of the expenditure of the Chancery and Stationery Offices. The Calendar thus printed for the *third* time may, with safety, be relegated to the same obscurity, whither the "elegant epistles" have been, as already noticed, despatched, to hide them from the gaze of an injured Public, which sees in this series of blunders a further development of the mental perversity depicted by Swift:

"All human race would fain be wits,
And millions miss for one that hits.
What reason can there be assign'd—
For this perverseness in the mind?"

Brutes find out where their talents lie :
 A bear will not attempt to fly ;
 A founder'd horse will long debate,
 Before he tries a five-barr'd gate ;
 A dog by instinct turns aside,
 Who sees the ditch too deep and wide.
 But man we find the only creature
 Who, led by Folly, combats Nature ;
 Who, when she loudly cries, Forbear,
 With obstinacy fixes there ;
 And, where his genius least inclines,
 Absurdly bends his whole designs."

Perhaps the most severe practical commentary on the proverb cited by the Secretary of the Treasury is afforded by that feature of the present complication which placed the Master of the Rolls of Ireland before the Public—"nullius addictus jurare in verba *Magistri*," in a position totally antagonistic to that assumed by him when, in the "Chatterton Case," he prohibited judicially the publication of a photograph, depicting the "marvellous boy who perished in his pride," on the ground, that to appropriate even an *idea* was an encroachment on the rights of the original artist. The latter decision was in accordance with the views of Lord Lyndhurst, himself a painter's son, of whom the author of "Never too late to mend," writes as follows—commenting on a case where justification was sought by pleas, curiously analogous to the equivocations under which, as shown at page 102, it has been attempted to screen the violations of copyright in the "Calendars:"

"Puny judges are always for baffling the honest intellectual labourer. Great judges, from Mansfield and Blackstone downwards, are always for protecting him. They sympathize with brains, because they have got them. In *Boosey v. D'Almaine*, a clear case of adaptation,

the defence was, 1st, that defendant 'had not taken the whole of each air'; and 2nd, that 'what he had taken he adapted to dancing only. And that some degree of art is needed for the purpose of so adapting, and that but a small part of the merit belongs to the original composer.'

"In this case, Lord Lyndhurst delivered a famous judgment. He would not allow either that a considerable and recognizable part of a melody could be taken without piracy, or that adaptation of the composer's invention in any way was lawful. Amongst other things, he laid down that the original air requires genius for its construction; but a mere mechanic ['sutor ultra crepidam'] in music can make the adaptation. In conclusion he gave the adaptation swindle its coup de grâce thus: Substantially, the piracy is where the appropriated music, though adapted to a different purpose from that of the original, may still be recognized by the ear. The adding variations makes no difference in the principle. Thus," adds Mr. Reade, "Lord Lyndhurst interpreted the law loyally, and, in so doing, secured the Musical Composer against those who reap where they have not sown, more firmly than preceding judges had secured the literary inventor, but I think not more so than this great judge would have protected the literary inventor in *pari casu*."*

The extraordinary circumstances connected with the production of the so-called "Calendars" of a small portion of the Rolls, signally demonstrate how difficult it would be to predict the full extent to which the public might be prejudiced by the continuance of a system of ignoring those

* "The Eighth Commandment," London: 1860, in which a legal question, "rich in native lead," has been treated in a brilliant style, exemplifying the truth of the line of La Fontaine:

"Tout est fin diamant aux mains d'un habile homme."

conversant with these subjects. That such a course was contemplated must be inferred from statements made in the House of Commons, (pp. 93-4) that a Public Record Office is actually in course of construction at Dublin. This building appears to have been designed in the same spirit, and by the same authorities, with the notorious Calendars—since neither the Royal Irish Academy, the Irish Archæological and Celtic Society, nor any one of the recognized Archivists of Ireland, was consulted either upon its construction, or with reference to the documents proposed to be deposited within its walls! Such a proceeding has excited serious apprehension in the public mind, as presaging a perverse attempt to persevere in a system which has already produced first fruits so mischievous as the chaotic Calendars of Patent Rolls, and which, but for a timely public protest, in these pages, might have been as severely prejudicial to property, as to the character of the historic literature of the Empire.

The Council of the Irish Archæological and Celtic Society, by its action at this juncture, has added another to its many recognized merits. These eminent noblemen and scholars have presented to the Treasury a memorial, which will be found in the Appendix, advocating the concentrating and calendaring of all the scattered Public Records of Ireland, and dwelling, with emphasis, on the necessity of providing that the execution of such arrangements should be entrusted to scholars of tried ability and known skill, in this department of learning, so as to insure the fullest possible advantages to the public.

The projected exclusion of the intelligence most serviceable to the Public in Record business in Ireland may be contrasted with the system by which France attained to the summit of archivistic science, and, on this point, we

are enlightened as follows by a writer bearing the high literary name of Champollion :

“Honorer publiquement et récompenser par des grâces royales le concours des collaborateurs à cette œuvre immense, ce moyen toujours puissant en France, ne fut point oublié alors. Le Roi accorda des lettres de noblesse, des cordons, des exemptions de droits pécuniaires, des préférences à des emplois vacants fondées sur le seul concours à ces travaux ; c'est ainsi qu'on sut pourvoir à tous les besoins, à tous les désirs, créer comme par enchantement, et faire grandir à vue d'œil, une des plus vastes et des plus difficiles entreprises littéraires, inspirée par l'honneur de la France, protégée par la munificence royale, dirigée par des ministres éclairés et secondés par le concours de tous les hommes instruits d'une époque littéraire à jamais mémorables pour la France.

“Telles furent les principales mesures ordonnées par l'ancien gouvernement de la France pour assurer la conservation, mettre en ordre et faire reconnaître les Archives nationales, afin de faciliter aussi les utiles recherches des savants français qui s'étaient déjà illustrés dans cette branche des connaissances humaines.”

On these points our Government might further, with profit, study the example of the France of to-day, where, under the Minister of Public Instruction, a series of archivistic publications has been produced in our own time, worthy of the era of Mabillon and Du Cange. Not satisfied with even so great and splendid a national collection of historic works, France has recently commenced the publication of the archives of her Departments, which, it is calculated, will extend to a thousand volumes.

That the appreciation of the public value of the labours of true archivists has not diminished in France, is evidenced by the following Government notification in the official Gazette of the 21st of August, 1862, which published the Emperor's approval of the plan submitted to him, by the Minister of the Interior, for the publication of the French Departmental records :

" Par décret Impérial en date du 6 août, rendu sur la proposition du Ministre de l'Intérieur, ont été promus ou nommés dans l'ordre impérial de la Légion d'honneur :

" Au grade d'officier :

M. Eugène de Stadler, *Inspecteur Général des Archives départementales; services exceptionnels dans l'organisation de l'Inventaire des Archives départementales.*

Au grade de Chevalier :

M. Aimé Champollion-Figeac, *Chef de Bureau des Archives départementales, auteur d'ouvrages sur l'histoire de France.*"*

The case of the so-called " Calendars of Irish Chancery Rolls," here analysed, involves questions of greater import and extent than the amount of the public funds already misspent on those worthless and misleading productions.

In such a public matter, all considerations must be discarded in connection with the personality of an Editor, and with the unenviable position of some well-intentioned individuals, misled, as we have seen, into commending a work, with the details of which the engrossing nature of their legal duties must always prevent those of *their* professional class from becoming conversant.

The entire affair resolves itself practically into the narrow question—whether the Public Records of Ireland shall be still subjected to be garbled and capriciously manipulated by law clerks, and pedigree agents, with results prejudicial to the Community, costly to the Revenue, and discreditable to the Country, or whether they shall—as in all other *civilized* nations—be committed to the management of Archivists of recognized capacity, whose labours would be advantageous at home, and redound abroad to the honour of the Empire.

* " Le Moniteur Universel—Journal Officiel de l' Empire Français," Numero 233 ; 21 Aout, 1862.

It is unnecessary here to repeat that which has been already detailed at p. 89, with reference to the steps most proper to be taken for effectively carrying out so important an object. Regarding the question from a public financial point of view, it will be seen from the official figures in the Appendix, that although since 1839 the Imperial Parliament has granted the aggregate sum of £631,644 for record and archivistic purposes in London and Edinburgh, there has been *no special allocation in this department, for similar arrangements connected with the Anglo-Irish Records in Ireland*, with the exception of the cost of the so-called "Calendars of Patent Rolls" and £15,000 voted for a Public Record Office, to be erected at Dublin, under the extraordinary circumstances noticed at page 182.

Discarding narrow ideas and local prejudices, we should essay to take a wide and extensive view of this question—affecting not only the titles, properties, pedigrees, and lands of large numbers, but also absolutely involving the perfection of the history of Great Britain, which cannot be properly written until all the materials for the annals of *both* islands have been placed within the grasp of the Imperial historian. "And if any man," wrote Bacon, "perhaps should think it may refresh the memory of former discords, he may satisfy himself with the verse—'olim hæc meminisse juvabit:' for, the case being now altered, it is matter of comfort and gratulation to remember former troubles."*

To which I may add, that a solid and permanent public good would result from the publication, in their integrity, of the original documents, in the presence of which should rapidly fade away those romances, styled "*Irish Histories*," by which Ireland has been, and must

* "To the Lord Chancellor, touching the history of Britain."

continue to be, historically mistaught and deluded, until confronted with the facts, still slumbering in her obscure record repositories.

Public opinion, now directed to the present extraordinary position of the Irish Records, will, it is to be hoped, effect the abolition of a system which, but for the disclosures in these pages, could scarcely have been imagined to exist, at the present day, in connection with any portion of the Archives of the United Kingdom: "He," says John Selden, "that pulls down the first brick, does the main work, afterwards 'tis easy to pull down the wall." Let us therefore trust that we may soon witness the attainment of the main object of this publication; namely, the establishment of arrangements, to secure from accident, and render accessible to all classes of inquirers, the invaluable, though now obscure and ill-treated, Public Records of Ireland.

APPENDIX.

I.

Hansard's Report of the official allegations made in the House of Commons, 16th July, 1863, by way of reply to the facts put forward in "Record Revelations."

[The following version coincides substantially with that given in the preceding pages from the "Times," &c.]

"MR. [F.] PERL expressed his regret that the two volumes relating to the Irish records, which had been published by Mr. Morrin, should have been executed in such a manner as to call forth the pamphlet [*Record Revelations*] to which his hon. Friend [Mr. Monse] had referred, and to lead to the subject being brought before that House.

The object of Mr. Morrin's publication was to give to the public in a concise form the principal contents of the Chancery records in Ireland; and Mr. Morrin was selected as editor by the Treasury, upon the recommendation of the Master of the Rolls.

Mr. Morrin was well known for his skill and experience in this particular branch of knowledge; he had devoted his whole life to the study of Irish records, and was eminent in his skill for deciphering ancient documents, notwithstanding the obsolete language and abbreviated forms in which these documents might be written.*

The Master of the Rolls was therefore justified in making this selection of Mr. Morrin; and if that gentleman had confined himself to the translation of the ancient Irish records, and had not written the preface†—if he had not forgotten the maxim, *Ne sutor*—there

* See editorial statement (page 124) that the orthography of the original obsolete languages has been *preserved in the translations into English*! also specimens of "Calendar" decipherments and translations, including those of Aylsham, in Norfolk, into *isinglass*; *avoir-du-pois* into *haberdashery*; and a stool into *Saxon bond-men*! Section iv. of "Analysis of text" 147, 162.

† That prefaces and annotations are *specially* required from Editors, in *England*, of Records, under the Treasury, see page 98.

would have been nothing for his right hon. Friend to bring before the House.

But Mr. Morrin had thought it necessary to write a preface to each of the two volumes, and also to annotate them, and it was these prefaces and notes which had given rise to all the trouble and annoyance which had reached its climax by the subject being mentioned to that House.

The pamphlet [*Record Revelations*] which had been referred to was transmitted by the Treasury to the Master of the Rolls, in order that he might call upon Mr. Morrin to refute the charges brought against him.

It appeared from his reply, that, as regarded the prefaces, of the extracts taken without acknowledgment one was from a work in which the passage extracted had been written by himself for its author some years ago. He admitted, that in order to make the work as popular as possible, he had borrowed from other authors, but he had not borrowed from any author whose name at least was not mentioned at some part or other of the prefaces.*

With regard to the text, Mr. Morrin's explanation was quite satisfactory, and his statement was confirmed by the Deputy Keeper of the Rolls, whose testimony was unimpeachable;† and this was the only part of the work for which he had received any remuneration—for the Treasury had refused to pay for the prefaces, they being no part of the work engaged for.

Mr. Morrin's statement was that the whole of the text had been prepared by himself, independently of the work of any other persons;‡ that he had never seen the calendar said to have been prepared by the Record Commission twenty years ago, and had never met with any person who had seen it.§

* See analysis and disproof of this statement, with evidences of the suppression of the names and the appropriation of the labours of various writers, pages, 98, 111, 126, 133.

† See observations at page 113, on efforts to evade public investigation by the production of statements from the Dublin Rolls Office, whence the impugned Calendars were issued; also evidence of Editor of Calendars, cited at page 115, that the Deputy Keeper of the Rolls, at Dublin, above referred to as an "unimpeachable" authority, is unqualified even to read the Rolls, from which the Calendars purport to have been translated!

‡ See enumeration and specimens of some of the vast plagiarisms in the *Text of the Calendars*, pages, 124, 135.

§ See page 67-69 for official details of the compilation of this

With regard to the portion said to have been actually printed by the Record Commission, Mr. Morrin stated that it only came down to the end of the first seven* years of Henry VIII., that this portion was included in his volumes in order to make them more complete; but that he had examined that portion of the records with the same care which he had given to the remainder of his work.

In reply to the more general suggestion of his right hon. Friend, he could only say, a Record Office was now in course of erection in Dublin, and when this was completed the question of publication of the Records would receive further consideration.

MR. GEORGE said, it was a matter greatly to be deprecated that any epithet attributing incompetency to Mr. Morrin should have been used by the right hon. Gentleman, for he thought it was singularly inapplicable to that gentleman.

He did not believe it was possible to find a person better qualified for the work for which Mr. Morrin was selected by the Master of the Rolls than that gentleman; and he also believed he had had but one object in view—namely, that of carrying out most faithfully the intention of the Government.

Lawyers of the greatest eminence in Ireland had always looked to Mr. Morrin for assistance,† and that gentleman had received letters from the Master of the Rolls in Ireland, the Master of the Rolls in England, the Lord Chancellor of Ireland, and many other learned persons, expressing opinions that his work had been faithfully performed, and that it would be very useful to antiquaries, to historians, and to lawyers. He (Mr. George) would conclude by saying that he was sorry an attack had been made upon Mr. Morrin in that House upon such slender grounds.

MR. O'HAGAN (Attorney General for Ireland) said, that as he believed that Mr. Morrin had been personally wronged, he wished

Calendar, extending to 17,412 pages, under the late Irish Record Commission, at the public expense. For specimens of plagiarisms in new Calendars from Record Commission, see pages 119, 123, 125.

* Contradicted in the "Calendars," which state that these documents have been lost, with the exception of one Roll! See page 120.

† See pages 167-8, on the Archivistic Oracles of the Irish Bar, in cases of real property, and the translation of a ground-rent into a long cable, on a recent trial! also the decipherment of a Kildare Rectory, of 496 acres, into a Dublin Church! and the series of blunders in "Calendars," in versions of documents connected with the property of the Cathedral of St. Patrick, Dublin, pages 145, &c. Observations on the "Letters," above referred to, will be found at pages, 73, 164, 165, 171, 174.

to bear his testimony to his high qualifications for the work he had undertaken. There had been no *real property trial in Ireland for many years in the elucidation of which his assistance had not been sought by one side or the other.*

It was perfectly true that Mr. Morrin did not hold in the literary world the high position of Dr. Todd, Dr. Russell, and others, but it was a great mistake to suppose that those gentlemen possessed the necessary requirements for a special work like that which Mr. Morrin had been called upon to execute. *He had himself found the records in the Rolls Office under Mr. Morrin in the most excellent condition, and wholly available to the public.* The arrangement in that respect could not be improved.* But there were other legal records in a most disgraceful condition. A sum of money had therefore been estimated last year for the purposes of a Record Office, which had been already begun.† It would be amply sufficient to meet all the exigencies of the legal records in the mean time, and would be constructed so as to admit of expansion as circumstances might require."

Hansard's Parliamentary Debates, third series, commencing with the accession of William IV; 26th and 27th Victoria, 1863; Vol. CLXXII. comprising the period from the first day of July, 1863, to the twenty-eighth day of July, 1863, London: 1863, pages 877, 8, 9.

* These statements are totally contradicted by the Editor of the "Calendars," who, according to the Attorney General of Ireland, has the rolls under him! See page 177-8.

† See page 182.

APPENDIX.

II.

MEMORIAL FROM THE IRISH ARCHÆOLOGICAL
AND CELTIC SOCIETY.

TO THE RIGHT HONOURABLE THE LORDS COMMISSIONERS OF HER
MAJESTY'S TREASURY.

THE MEMORIAL OF THE UNDERSIGNED, THE PRESIDENT, VICE-PRESIDENTS,
AND COUNCIL OF THE IRISH ARCHÆOLOGICAL AND CELTIC SOCIETY,

SHewETH,

That Memorialists have, since the year 1841, been engaged in efforts to promote a correct knowledge of the historic documents and memorials of Ireland, by the publication of many historical works, the value, accuracy, and importance of which have been recognized by the highest and most learned authorities in Great Britain and abroad.

That the extension of true historical knowledge is much impeded by the present state of the Public Records of Ireland, which lie dispersed in various offices and depositories at Dublin, some of which are difficult of access, some defectively arranged, and others insufficiently provided with calendars and books of reference.

That, in the present state of imperfect arrangement, the safety of said Public Records depends, in a great measure, on the integrity and vigilance of those in charge of them, who, for the most part, are engaged in duties connected with other business of a different character.

That in addition to their historical importance, said Public Records are of high legal value in connexion with the revenues and Rights of the Crown and the Public.

That Parliament having, of late years, sanctioned the expenditure of large sums of money for the concentration, arrangement, and calendaring of the Public Records of Great Britain, and for the erection of a suitable building at London for their reception, Memorialists beg to call your Lordships' attention to the importance of adopting similar measures with regard to the Public Records of Ireland.

That Memorialists, therefore, pray that your Lordships will take into consideration the propriety of concentrating all the scattered Public Records of Ireland into one general Public Repository at

192 *Memorial from Irish Archaeological and Celtic Society.*

Dublin, where they may be classified and calendared, and placed under such arrangements as may conduce to the public benefit and convenience, so that, as in the Public Record Office at London, and in the General Registry House at Edinburgh, legal and historical inquirers may obtain the fullest assistance in the production and use of the records they require.

That your Memorialists further pray that the execution of any measures taken by your Lordships, with reference to the concentration, arrangement and calendaring of the Public Records of Ireland, may be entrusted to scholars of tried ability and known skill in this department of learning, so as to insure the fullest possible advantages to the Public.

And your memorialists will ever pray.

President of the Society.

LEINSTER.

Vice-Presidents of the Society:

KILDARE.

DUNRAVEN.

TALBOT DE MALAHIDE.

CHAS. W. RUSSELL, D.D.,
President of Maynooth College.

Council of the Society:

CHARLES GRAVES, D.D.
President of the Royal Irish Academy.

J. H. TODD, D.D. F.T.C.D.
Ex-President Royal Irish Academy.

GEORGE PETRIE, LL.D.,
Vice President of the Royal Irish Academy.

W. R. WILDE,
Vice President of the Royal Irish Academy.

WILLIAM REEVES, D.D. M.R.I.A.

AQUILLA SMITH, M.D. M.R.I.A.

W. H. HARDINGE, M.R.I.A.

JAMES GRAVES, A. M. M.R.I.A.

JOHN C. O'CALLAGHAN.

J. T. GILBERT, M.R.I.A.
Honorary Secretary of the Society ;
Librarian of the Royal Irish Academy.

APPENDIX.

III.

Parliamentary Money Grants for Record purposes.

LONDON AND EDINBURGH.

Sums voted by the Imperial Parliament for Public
Record Buildings and Salaries of Record Officers in
London and Edinburgh.

[FROM THE "APPROPRIATION ACTS."]

A.D. 1839—to A.D. 1854.

1839	2 and 3	Victoria, Cap.	89	...	10,000
1840	3 and 4	"	112	...	10,000
1841	4 and 5	"	53	...	5,169
1842	5 and 6	"	121	...	11,817
1843	6 and 7	"	99	...	11,775
1844	7 and 8	"	104	...	13,467
1845	8 and 9	"	130	...	13,400
1846	9 and 10	"	116	...	12,628
1847	10 and 11	"	107	...	12,812
1848	11 and 12	"	126	...	14,023
1849	12 and 13	"	98	...	12,822
1850	13 and 14	"	147	...	30,000
1850	"	"	"	...	12,678
1851	14 and 15	"	101	...	7,000
"	"	"	"	...	11,960
1852	... 15 and 16	"	82	...	8,320
"	"	"	"	...	11,668
1853	... 16 and 17	"	110	...	12,270
1854	... 17 and 18	"	121	...	10,000
"	...	"	"	...	12,691
					<hr/> £244,500 <hr/>

Average per annum £14,382

Voted for similar Special Record purposes
for Ireland during above period NIL.

APPENDIX.

IV.

Parliamentary Money Grants for Record Purposes.

LONDON:

Sums voted by the Imperial Parliament for Public Record Buildings and salaries of Record Officers in London:

[FROM THE "APPROPRIATION ACTS."]

A.D. 1855—to A.D. 1863-4.

1855	...	18 and 19	Victoria, Cap. 129	6,000
"	"	"	"	14,098
"	"	"	"	9,000
1856	...	19 and 20	"	16,447
"	"	"	"	9,000
1857	...	20 and 21	"	13,876
"	"	"	"	8,970
1858	...	21 and 22	"	21,009
"	"	"	"	200
1859	...	22 and 23	"	9,498
1860	...	23 and 24	"	19,191
1861	...	24 and 25	"	13,753
1862	...	25 and 26	"	20,042
1863-4	...	26 and 27	"	20,000
"	"	"	"	1,806
"	"	"	"	20,235
				<hr/> £203,125 <hr/>

Average per annum £22,569.

V.

IRELAND:

Voted by the Imperial Parliament for similar special Record purposes in Ireland:

A.D. 1855—to A.D. 1860.	NIL.
1862-4	...	See page 185.	£15,000.

APPENDIX.

VI.

Parliamentary Money Grants for Record purposes.

EDINBURGH:

Sums voted by the Imperial Parliament for Public Record Buildings and Salaries of Record Officers in Edinburgh:

[FROM THE "APPROPRIATION ACTS."]

A. D. 1855—to A.D. 1863-4.

1855	18 and 19	Victoria, Cap. 129	11,166
1856	19 and 20	" " 105	12,249
1857	20 and 21	" " 69	11,067
1858	21 and 22	" " 107	15,118
"	" "	" " "	7,500
1859	22 and 23	" " 55	10,847
"	" "	" " "	11,440
1860	23 and 24	" " 131	15,815
1861	24 and 25	" " 103	17,457
1862	25 and 26	" " "	15,941
1863-4	26 and 27	" " 99	3,727
" "	" "	" " "	16,192

£148,519

Average per annum £16,502.

APPENDIX.

VII.

Public expenditure on the works entitled "Chronicles and Memorials of Great Britain and Ireland during the Middle Ages;" and Calendars of "State Papers," published "by authority of the Lords of Her Majesty's Treasury, under the direction of the Master of the Rolls in England."

The details of this expenditure not being given in the Acts "to appropriate the Supplies" the cost is here approximated:

Estimated cost of editing, printing and publishing 71 volumes already issued at £500 per volume, £35,500.

The above series of "Chronicles and Memorials," *nominal*ly for Great Britain and Ireland, so far as published to 1st of January 1864, does not contain any volume on Irish history, nor do the Calendars include a repository of records in any Repository in Ireland.

APPENDIX.

VIII.

Summary of Parliamentary Grants for Record purposes.

SUMMARY of amounts voted by the Imperial Parliament for Public Records, Buildings, Publications and Salaries of Record Officers in London and Edinburgh:

London and Edinburgh, from 1839 to 1854 as per table page 193...	...	244,500
London from 1855 to 1863-4, as per table page 194	...	203,125
Edinburgh from 1855 to 1863-4, as per table, page 195	...	148,519
Total for Record Buildings and Salaries of Record Officers in London and Edin- burgh during 26 years.—Average per annum £22,928		£596,144
Expenditure on Publications, as per above table, page 195	...	35,500
Total for Record Buildings, Salaries of Record Officers in London and Edin- burgh, and publications since 1839.		£631,644

FOR IRELAND FROM A.D. 1839 to A.D 1863-4.

No allocation whatever appears in the
"Appropriation Acts," except A.D.
1862-4, £15,000, for Public Record
Repository to be erected at Dublin,
relative to which see page 182.

APPENDIX.

IX.

Specimens of defective abstracts of grants of lands in the "Calendar of the Patent and Close Rolls of Chancery in Ireland, of the Reign of Charles the First." Dublin: Printed for Her Majesty's Stationery Office, 1863:

GRANT AS PRINTED IN THE SO-CALLED "CALENDAR."

"Grant to Sir William Parsons of the late dissolved Priory or hospital of Saint John, of the Naas, with all the land and tenements to the priory belonging, according to the tenor of his Majesty's letters, dated 17th May, in the second year of his reign; and also a grant of so much other lands, in fee simple, as will amount in value to 20s. 4d., Irish, which is accepted as part of £10 remaining as yet unpassed of a grant in fee simple, passed to the said Sir William by the late King James, of £100 a year, by his letters under his privy signet.—July 22. 2^o."—*Calendar*, page 132.

CORRECT ABSTRACT OF GRANT.

[The Italics denote the omissions in the so-called Calendar.]

"Grant to Sir William Parsons, *Knight and Baronet*, of the whole dissolved monastery, *religious house*, priory or hospital of St. John, *the Baptist, alias St. John* of Naas, with the appurtenances in the County of Kildare, also all and singular the church, dormitory, belfry, messuages, halls, chambers, towers, edifices, stables, waste places, orchards, gardens, then or theretofore near the site of said monastery; one water mill, with its appurtenances, in the town of Naas, and the water course to same belonging; also all the lands, tenements, and hereditaments, as well spiritual as temporal, within the towns and hamlets of Naas, Johnstowne, Walterstown, Tristledermot, or elsewhere, in the said County of Kildare, parcels of the possessions of said monastery. Also the rectory impropriate or church and chapel of Whitechurch, in said county of Kildare, and all the tithes, alterages, oblations, and all other profits, commodities, and emoluments, whatsoever to same rectory or church and chapel of Whitechurch appertaining. And also a rent of 6s. 8d. current money of Ireland, reserved out of the site, ambit and precinct, of said late Monastery, and out of one church, belfry, dormitory, hall, four chambers, an ancient tiled tower, a barn and stable thatched, a dove house, two gardens, one orchard, and one small close, within said site, by Letters Patent under the Great Seal, dated 13 May, 6th James I., granted to William Bronkar, his heirs and assigns. And also a rent of £3., current money of Ireland, reserved out of

a castle or messuage, and certain messuages and cottages, and 100 acres of arable land, with the appurtenances in the towns and fields of WALTERSTOWN, parcel of the possessions of said Monastery of St. John, of Naas, by Letters Patent, under the Great Seal of Ireland, dated the last day of May, 7th James I., granted to Gerald, late Earl of Kildare, his heirs and assigns, and all other rents reserved out of the premises. And also one twelfth part of the town, and lands of Ballynkorrah, Ballymorroghroe, Ballygillecheine, and Ballyard, in the County Wicklow, with the appurtenances, part of the lands and possessions of Art Roe M'Donnoghe Byrne, attainted. Also the villages, or lands of KILLADUFFE, with the appurtenances, in said county, and the lands of COOLBALLYTEGART, and the hamlet of Ballyvickteig, and Ballygubbane, reputed parcels of Coolballytegart. Also two third parts of the town and lands of Cappagh, with the appurtenances, in said County, containing 15 acres, country measure [*mensura patriæ*], then or theretofore in the possession of said Sir William Parsons. And also a house with the curtilage, and appurtenances in or near the town of Wicklow, now or lately in possession of Balthasar Fox, clerk. And the lands of Knockanbeg, containing 3 acres country measure, near Corranroe, in the county aforesaid. And also a moiety of the town and lands of Coolstore, in the County of Westmeath, then or theretofore in the occupation of Owen Magoghegan, gentleman. Also 20 acres of land, estimated one third part of half a Cartron, in the town of Ballynegall, then or theretofore in the tenure or occupation of said Owen Magoghegan, in said County. Said premises, to be held for ever by Sir W. Parsons and his heirs, as of the Castle of Dublin, by fealty only, in free and common soccage, by the 20th part of a Knight's fee, and finding two able horsemen, of English race or nation, of in and upon the premises, or any part thereof perpetually, sufficiently armed for the defence of the realm, for all manner of other services, tenures, payments, and demands whatsoever."

GRANT AS PRINTED IN THE SO-CALLED "CALENDAR."

"Grant to Brian Fitz-Patrick, of Watercastle, his heirs and assigns, for ever, of 3,447 acres of arable land, and 2,070 acres wood and bog, allowed him for patent lands, and 3,026 acres of arable land, and 1,837 acres wood and bog, assigned him as a native upon the plantation, in the territory of Upper Ossory, in the Queen's County; and also the Abbey, town, and lands of Aghmacartie [*sic*], with other lands thereunto belonging, excepting the tithes and glebes belonging to the vicarage: the lands are erected into the manor Coolchill; with power to create tenures of the fourth part, and hold courts leet, courts baron, and a court of record, in which to hold pleas of all debts and contracts not exceeding £5; two fairs yearly, and two markets at Shanbally and Coolchill."—*Calendar, pages, 175-6.*

CORRECT ABSTRACT OF GRANT.

[The Italics denote the omissions in the so-called Calendar.]

"Grant by Letters Patent, passed under the great seal of Ire-

and, bearing date the 20th day of November, in the second year of the reign of King Charles the First, unto Brian Fitz-Patrick, of Watercastle, under a Commission for the plantation and disposition of the manors, lands, tenements and hereditaments in the territory of Upper Ossory, and Queen's County, in the Kingdom of Ireland, dated 4 September, in the second year of the reign of King Charles I.

The Manor and Castle of Cowlchill,* the town and lands of Cowlchill, containing 1300 acres of arable and pasture, and 500 acres of wood and moor; two water mills with their water-courses there in the territory of Upper Ossory, in the Queen's County. The castle, town, and lands of Grace Castle, containing 6 acres of arable and pasture. The towns and lands of Rathcoile and Shanbally, containing 276 acres arable and pasture land; and 80 acres wood and moor. The town and lands of Watercastle Knockenure, Coolcharond, Ledygan, Rathkill-ekeddy, Killegrace, Keltavan, Coolonhay, Killvallenallen, Kilbeg, Cooleballenrosse, Coolballendonogh, Rathard and Foranduffe, containing nine hundred acres of land, arable and pasture, and 320 acres wood and moor, and two water-mills, with their watercourses there, and one fishing weir there. And also the town and lands of Graigenose, Levally and Lughvony, containing 170 acres of arable and pasture lands, and 30 acres of wood and moor. Also the castle, town, and lands of Piperath, containing 94 acres arable and pasture land, and 20 acres wood and moor. And also the castle, town and lands of Beallaghmore, Gortlubane Cappalogagh, Ballinlea, Kilmart, in Ballingarry, and the two Ballin-taggaris, containing 490 acres arable and pasture land, and 1042 acres wood and moor. And also the castle, town, and lands of Castleton, containing 77 acres of arable and pasture, and 12 acres of wood and moor.

And also the lands of Graigard, containing 134 acres of arable and pasture, and 66 acres of wood and moor. All which premises are situated in the territory of Upper Ossory, and Queen's County, and contain together 3,447 acres of arable and pasture, and 2,070 acres wood and moor, be it more or less, and were theretofore granted to Florence Fitz-Patrick,† late Baron of Upper Ossory, grandfather to the said Bryan Fitz-Patrick, and the heirs male of his body, with divers remainders over by Letters Patent, dated 16 August, in the 42nd year of the reign

* Styled in a document of A.D. 1517, "*Castrum Bernardi tunc Mc Gillpatrige, nuncupatum le Cowlkyll, in Ossoria.*"—The castle of Bernard, the then Mac Giolla Patrick, called Cowlkyll, in Ossory. "The existing remains of the castle of Coolkill, seated in one of the passes which lead from the Queen's County into Kil-kenny, show it to have been of no mean strength."—*History of the Church of St. Canice*, by Rev. J. Graves and J. G. A. Prim, 1857.

† Third baron of Upper Ossory. On his representation, in 1600, Elizabeth reduced the territory of Upper Ossory to shire ground, and annexed it to the Queen's County.

of Queen Elizabeth. Said Letters Patent of King Charles further grant to said Bryan Fitz-Patrick, his heirs and assigns, the town and lands of Raplagh and Ballygavin, containing by estimation 140 acres of arable and pasture, and ten acres of wood and moor. Also the town and lands of Tomcroe, containing 100 acres of arable and pasture, and 14 acres of wood and moor, and one watermill with its water-course there. Also the town and lands of Graigegarra and Ballinphrasa, containing 190 acres of arable and pasture, and 100 acres of wood and moor. Also the town and lands of Shraghenarow, Leaghvally, and Boolemon, containing 300 acres of arable and pasture, and 130 acres of wood and moor. Also the town and lands of Shraleagh, and Rosavollen, containing 140 acres of arable and pasture, and 42 acres of wood and moor. Also the town and lands of Newton, alias Ballymoue, containing 158 acres arable and pasture, and 50 acres wood and moor. Also the town and lands of Killenemore, Killennebeg, Charrowreagh, and Rahinsheddy, containing 380 acres arable and pasture, and 90 acres wood and moor. Also the castle, town, and lands of Grenan, containing 44 acres of arable and pasture, and 4 acres of wood and moor. Also the town and lands of Aghaturrine, alias Aghatorney, containing 51 acres arable and pasture, and 5 acres of wood and moor. Also the town and lands of Rahinvroma, and Rahincorbany, containing 65 acres arable and pasture, and 10 acres of wood and moor. Also the town and lands of Derryyny, containing 90 acres of arable and pasture, and 95 acres of wood and moor. Also the town and lands of Rahinclosky, Coolegerry, Behergoyle, and Moyne, containing 120 acres arable and pasture, and 30 acres of wood and moor. Also the town and lands of Moynoge, containing 90 acres of arable and pasture, and 28 acres of wood and moor. Also the town and lands of Crottonomona, containing 70 acres arable and pasture, and 17 acres wood and moor. Also the town and lands of Garronconally, containing 192 acres arable and pasture, and 12 acres wood and moor. Also the town and lands of Kileorane, containing 179 acres arable and pasture, and 53 acres wood and moor. Also the town and lands of Lackagh, containing 108 acres arable and pasture, and 251 acres wood and moor. Also 60 acres arable and pasture, and 25 acres wood and moor, in the towns and lands of Ballygawe, Barnabehie, Torgarrowe, Ardvaghloe, and Raghnelaugh, next adjacent to Rahineloskie. Also 426 acres arable and pasture, and 830 acres wood and moor, in the town and lands of Lawgh, and Knockanegatt. Also 70 acres arable and pasture, and 39 acres wood and moor, in the town and lands of Ballygarvin, Ballyvelod, and Rathvickella. Also 12 acres arable and pasture, and 2 acres of wood and moor, in the town and lands of Derryloskie. Also 7 acres of land arable and pasture in the town and lands of Ballyhanry. Also a certain parcel of controverted land containing 34 acres of arable and pasture, situated nigh the town of Ballycoolod. All and singular which last granted premises contain together 3,036 acres arable and pasture, and 1837 acres wood and moor, be it more or less, and are situated in the territory of Upper Ossory, and County aforesaid, and were assigned

to the said Bryan Fitz Patrick, as an inhabitant, upon the plantation* of Upper Ossory [*ut incolæ super plantationem de Upper Ossorie*]. And also the site, circuit, ambit, and precinct of the monastery of Aghmacarte,† and all the lands and tenements to said site belonging. And the town and lands of Aghmacarte, containing 149 acres arable and pasture, and 20 acres wood and moor, and one water-mill and water course there. And also the Rectory and parish church of Aghmacarte, and the tithes of the lands of Cowlchill, and all other tythes, as well great as small, to said Rectory belonging, situated in the territory and county aforesaid; always excepting the tithes oblations, obventions and glebe lands belonging to the Vicar there. The lands are erected into the manor of Cowlchill, with privilege to hold courts, and to impark 1000 acres, with free warren and chase. To hold all said premises so granted to said Patentee, his heirs, and assigns for ever, at the annual crown rent of £9 16s, lawful money of England, for said manor of Cowlchill, and the said 3,447 acres arable and pasture, and 2,070 acres wood and moor, first granted by Letters Patent, and for the said 3,026 acres arable and pasture, and the said 1837 acres wood and moor, lands granted to said Patentee, as an inhabitant. And £5. 18s, lawful money of Ireland for the site of the monastery of Aghmacarte, and of the residue of the premises, above granted, except the tithes payable to the Vicar. Said Letters Patent also grant to said Patentee, his heirs and assigns, full power for ever to hold a weekly market on Tuesdays and Saturdays, at the town of Shanbally, near Cowlchill, and two yearly fairs there, viz., one on the 16th and 17th of May, and the other on 21st and 22nd September, at an annual Crown rent for said markets and fairs of 20s. sterling.

* Under Commission, dated at Dublin, 4th of September, 1626, also omitted in the so-called "Calendar."

† This foundation dated from the sixth century. The name Aghmacart, incorrectly styled *Aghmacartie* in the Calendar, as above quoted page 198, was derived from the Irish *Achad mic Airt*, the field of the son of Art.

"RECORD REVELATIONS."

BY

"AN IRISH ARCHIVIST."

OPINIONS OF THE PRESS.

"The greater part of the Public Records of Ireland, as we are informed by the Irish Archivist, 'still remain under the control of clerks of the Dublin Four Courts, where, practically inaccessible, they lie covered with filth, becoming obliterated from damp, and so little known, even to their paid keepers, that at a recent enquiry—only one individual connected with these offices even *professed* to be capable of deciphering any writing anterior to the reign of Queen Anne.' This complaint is serious enough to merit prompt attention, especially when we remember that the Irish archives, in addition to the historical interest, which they share with the English muniments, have a special value in constituting the chief if not the only legal evidence as to the confirmed and continued possession of all the real property in Ireland, as well as of the origin, extent, and modifications of the Crown's hereditary revenues...The 'Irish Archivist' undertakes to show, and he certainly appears to show conclusively...that the Calendars [of Patent and Close Rolls of Chancery in Ireland, recently published 'by authority of the Treasury, under the direction of the Master of the Rolls of Ireland'] are, in a word, dishonest and disgraceful publications from beginning to end, altogether unworthy of the authority under which they appear, and a fraud upon the public, at whose expense they are issued. So many of the Archivist's charges are fully proved by the quotations made in his pamphlet, and he shows so good a case for the others, that an official examination of the whole affair is reasonably demanded, and we trust, both on behalf of the public purse, and of historical and legal literature, that it will not be withheld."—*The [London] Examiner*, 6th June, 1863.

"This pamphlet is in itself a most valuable contribution to the Archæological history of this country; and is one of the most interesting productions it was ever our fortune to meet with. The work has, however, an important purpose, for it is a remonstrance against the neglect by the Government of the proper guardians of Irish history and antiquities—the Royal Irish Academy, and the Irish Archæological Society. Without any previous communication with these bodies, or with recognised scholars, the editing of Calendars of an important class of the ancient public Records of Ireland has been entrusted to an official of the Dublin Law Courts, who says he performs his task at 'intervals snatched from the labours of official duties!' The pamphlet is a protest on the part of Irish Archivists against the two volumes of Calendars already published at great expense to the nation. It is an emphatic reclamation against these volumes being considered as the work of an Irish Archivist recognized by the learned societies of this kingdom. We claim public attention, for the fact, that the ancient Records of Ireland are lying scattered and unavailable, and that the recognised Archæologists of this country have not been consulted as to their arrangement and publication. In England, large sums are very properly expended in arranging, translating, and printing the public muniments of that portion of the empire. The most able scholars and competent Archivists have been engaged, but in Ireland the Public Records have been treated as mere lumber, and consigned to the care of 'Clerks in the Law Courts.' Parliament has liberally granted means of preserving and publishing the English Records. Is it too audacious to ask that a portion of our own surplus revenues should be devoted to the preservation of the ancient Records of this country?"—*The Irish Times*.

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OPINIONS OF THE PRESS.

"We feel that our notice can convey but a small idea of the sterling evidences of minute and varied erudition pervading the production of the 'Irish Archivist,' who, with a remarkable freedom from pedantic assumption, has by extensive scholarship, invested his pages with an attraction, even for general readers, of which so arid a theme might have been considered unsusceptible. Under the obstacles at present impeding inquiries connected with the Records of Ireland, the production of so lucid and minutely accurate an examination of the entire question must have been a labour of great weight; and this, with the public, and with all honest men of letters, should augment the merit of a writer, who has, in so independent and so high-minded a tone, laid the whole subject open to the world, with a modest 'Stat nominis umbra' on his title-page."—*Gentleman's Magazine*.

"It is not creditable to the Press, nor to the literary men of this city, or country, who are conversant with this class of literature, that nearly two years should have elapsed since the publication of the first volume [of the Calendars] before a protest should have been entered against this 'official learning' being taken as an example of Irish literary work. But amends have been amply made for this delay by the appearance of this pamphlet; it is witty, exhibits a rare knowledge of the subject, and its analysis is the most complete and crushing ('squelching' we should say) we have ever read. Every one who can afford to buy it, should read it; it should be on the table of every reading-room in the country. Every man who has a foreign literary friend should send him a copy of the pamphlet. We beg to protest solemnly against an 'Irish Archivist's' proposal to take away the Records, in the tower at Dublin Castle, from the keeping of that distinguished functionary and pedigree agent, the Ulster King at Arms. How could the Queen's government be carried on in Ireland, if the loyal and well-disposed could not have a few Milesian or Norman drops infused into their 'ancient but ignoble blood?' How could the spoons, hall-chairs, carriages, and buttons of new-fledged Knights, Baronets, and J. P.'s be ornamented with mythical animals, if the manufacture of pedigrees was stopped? A meeting of all loyal and respectable citizens should at once be called, and immediate steps taken to prevent such a revolutionary invasion of the rights of property from being effected."—*Dublin Irishman*.

"This is one of the most remarkable pamphlets that has for a long period issued from the press. One thing is perfectly plain, the author of it is thoroughly acquainted with the subject on which he writes, and conversant with all that relates to our Public Records."—*Dublin Evening Post*.

"RECORD REVELATIONS."

BY

"AN IRISH ARCHIVIST."

OPINIONS OF THE PRESS.

"Under the title of 'Record Revelations,' an 'Irish Archivist' has published a 'Letter,' which will fall like a bomb-shell among the officials connected with the keeping and publication of the Irish Records. It asserts that the Irish Records have hitherto been under incompetent management, and it maintains that the Calendars recently published, by authority of the Treasury, under the direction of the Master of the Rolls of Ireland, are full of the grossest errors, and that the Prefaces to them are 'mainly composed of unacknowledged appropriations verbatim from printed books.' These assertions are supported by instances in detail, columns of parallel passages, &c. The author, who is evidently a learned man, and a man zealous for accuracy in historical matters, lashes several men of public eminence in Ireland, by the way. People who have an interest in Records, or who like hard hitting, will find much curious and racy matter in the 'Letter.'"—*The Reader* [London], 2nd May, 1863.

"For a timely exposure of brazen ignorance and unblushing piracy, we are indebted to this able and learned production, which holds up to merited contempt and deserved censure, the literary fraud, which, under high sanction and authority, has been given to the world, as the result of laborious investigation and diligent research."—*Ulster Observer, Belfast*.

"These are most disgraceful disclosures, and may well be termed *Revelations*, that will, we are sure, create no small amount of public disgust and indignation. As people were not at all aware of the shameful state in which the Public Records of this kingdom were kept, the writer of 'Record Revelations' deserves the public thanks for the *exposé* which he has published on the subject."—*Cork Daily Reporter*, 6th May, 1863.

"This pamphlet is one of the ablest and most learned pieces of critical research which we have ever read."—*Dublin Evening Mail*.

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